

CIVIL SERVICE REGULATIONS  
EXPLAINED  
(PENSION PORTION)

# CIVIL SERVICE REGULATIONS EXPLAINED (PENSION PORTION)

Volume I

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## PREFACE

The book contains the Pension portion of the Civil Service Regulations. It begins with a brief resume of the History of these rules which is followed by each rule along with relevant orders of the Ministries of Finance and Home Affairs of the Government of India and the Comptroller and Auditor General together with Audit Instructions. The orders are also in their turn properly arranged and grouped under headings and sub headings, those inter related are linked together under suitable headlines for easy and speedy reference. Another distinctive feature is the inclusion of hints summaries, case law and chronology of events fully illustrated with a large number of solved cases taken from the Departmental Examinations.

2 Old orders have been taken from the 'India Supplement to the C.S.R.' (5th edition) published by the Accountant General, (Central Revenues) and the 'Office Manual of the Accountant-General, Punjab (Pension section) 1st Edition. The numbers of their paragraphs have been quoted along with the number and date of the authority for the purpose of consultation. The Audit Instructions have been taken from the 'Manual of Audit Instructions' to make the publication self contained. The Index is the same as given in the Government publication of Civil Service Regulations with some additions relating to orders and instructions and some relevant omissions. These I gratefully acknowledge.

3 Its first edition was published more than two decades ago and being then the only publication of its kind it met with great appreciation. Since then the rules have become more complicated and intricate. Great efforts have now been made for its improvement and it is expected that the new edition will also meet with the same popularity.

4 It is a personal publication without the authority of the Government though the permission for inclusion of regulations and orders was obtained at the time of the issue of the first edition from the Government of India Ministry of Commerce and Labour.

As the extracts of orders and instructions have been taken from the Government's decisions etc., I cannot like others claim any copyright in them except for arrangement, hints, summaries and headlines etc., which have been prepared by me.

5 Suggestions for improvement will be appreciated and, if any order or instruction is wanting, I shall be thankful for its supply.



## **CIVIL SERVICE REGULATIONS EXPLAINED VOL. II**

It contains Presidents' Pension Act, Supreme Court and High Court Judges' conditions of Service Acts, High Court Judges T.A. Rules; All India Services (Conditions of service, leave, death-cum retirement and Commutation of Pension) Rules, Superior and Central Civil Services (Extraordinary Pension and Commutation) Rules, Study Leave Rules, and other

Appendices with  
Travel Concession Rules,  
G P Fund Rules,  
Compulsory Deposit Scheme Rules,  
&  
Liberalised Pension Rules

Orders of the Government of India Comptroller and Auditor General, Case Law, solved cases of New Pension Rules, Hints, etc have also been properly arranged and included

*October, 1963 Ed*

*Price Rs. 15*

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## CHRONOLOGICAL APPLICATION OF ARTICLES

<i>Date</i>	<i>Effect</i>
31 12 1909	Special additional pension admissible to officers entering service after this date in the case of voluntary retirement after 28 years (Art 475)
4 8 1914 to 31- 8 1921	Great War I (Art 357A)
29 8 1919	
	Rules in Arts 404A, 465A, 474A and 475A apply to officers (other than military officers and ICS) appointed substantively to the services or the appointments specified in Art 349A who joined their appointment after this date or who were in service on this date but have definitely elected to come under them
29 7-1920	Privilege leave or subsidiary leave taken prior to this date counts as qualifying service (Art 407)
1- 1 1922	Fundamental Rules came into force (F R I)
1 4 1924	To Officers shown in Schedule V to the Superior Civil Services Rules who retire on or after this date, the maximum limits of Rules 13 and 14 <i>ibid</i> apply (See page 157)
1- 4 1925	Civil Pensions Commutation Rules came into force (Appendix XI on page 119 of C S R Vol II)
27- 5 1930	State Governments empowered to frame their own Pension Rules
6-12 1932	Officers of Imperial Service of the Forest Geological Survey Public Works Railway and Telegraph Departments and any others covered by Art 635 who entered service before this date are entitled to a retiring pension after completing qualifying service of not less than 20 years (Art 465A)
1 4-1936	Central Subordinate (Inferior) Services, (Gratuity, Pension and Retirement) Rules of 1936 introduced to regulate the pension of Class IV Government servants (See page 268 in Volume II)
1- 4 1938	Ministerial servants who entered service and held a permanent post in a substantive capacity prior to this date should retire at the age of 60 years. All non ministerial servants should retire at the age of 55 years. Officers in permanent employ prior to this date are governed by the C S R unless opted under L P R

[G.J.M.F No F 15 (6) EV/52 dated the 28th July 1952.]



<i>Date</i>	<i>Effect</i>
15 7 1953 to 15 7 1955 (exclusive)	The full dearness pay appropriate to average emoluments is added It takes effect from 1 4 1953. [Note 6 on page 205 ]
7 4 1956	The maximum amount of pension of officers retiring from this date is Rs 8 100/ [G I M F No 20 (2) EV/56 dated 22 5 1957 ]
17 4 1956	The officers appointed by the Secretary of State (other than I C S and I P ) who continue or continued to serve after 14 8 1947 and retire after this date have been allowed to opt for Liberalised Pension Rules before 9 6 1958
13 8 1956	Half the period of S A S Apprenticeship counts as qualifying service from this date (Art 372)
1 4 1957	The disparities between class IV employees and others regarding pension and gratuity were removed [G I M F No 20(1) EV/57 dated 27 6-27 ] Decimal system of coinage introduced [G I Order No 1 below Art 468A ] Qualifying service for the purpose of family pension reduced from 25 years to 20 years from this date [G I M F No 20(2) EV/56 dated 22 5 1957]
22 5 1957	Pension Rules further liberalised [G I M F No 20(2) EV/56 dated 22 5 1957 ]
1 4-1958	Temporary increase enhanced for those who retired before 15 7 1952 from this date till further orders [G I Order No (26) on page 199 ]
30 4 1958	Option in favour of New Pension Rules as further liberalised should have been exercised up to and inclusive of this date vide G I M F No F 30(2) EV/56 dated 20 1 1958
25 11 1958	Terms and conditions of re employment of retired government servants should be regulated with effect from this date according to G I M F No 8(34) Est III/57 dated 25 11 1958 (see G I order No (10) below Art 509A )
22 4 1960	Full period of temporary and officating service counts if followed by confirmation in respect of officers retiring on or after this date [L P R Rule 7]
1 9 1960	Minimum age for service qualifying for pension fixed at 18 (Art 358)
1 12 1962	Age limit of compulsory retirement of Central Government servants raised to 58 years [G I M H A No 33/18 62 Est (A) dated 30-11 1962]

<i>Date</i>	<i>Effect</i>
1 10-1938	Rules in Arts 465AA 474AA and 475AA apply to officers of Art 349AA who entered service on or after 1 10 1938 [Art 349 AA ]
2 9 1939 to 21 4 1960	Half the continuous temporary service rendered after 2 9 1939 counts as qualifying service when a quasi-permanent government servant is appointed substantively to a permanent post [G I order No (1) on page 59 ]
3 9 1939 to 1 4 1946	Enlisted or Commissioned War Service between these dates counts upto a maximum of 5 years [Art 357C]
31 12 1945	'End of War ', (see C S 10 to Art 357D)
1 1 1946 to 30- 3 1958	Temporary increase in pension on the scale given in G I F D No F 1(22) W I/45 dated the 26th May, 1945 allowed [see footnote on page 151 below G I order (1) ]
1 1 1948 to 31 12 1962	Officers retiring between these dates are given the benefit of higher pay in temporary or substantive post held in an officiating or provisionally substantive capacity from 1 8 1952 (Art 487B Note on page 233)
17 3 1949	Temporary Service Rules 1949 came into force [G I M H A No 65/320 48 Ests dated the 17th March 1949 ]
26- 1 1950	New Constitution of India came into force
17 4 1950	Minimum age after which service counts for pension has been raised from 16 to 18 years in the case of class IV servants who enter service after this date [G I M F No F 3(1) E (Spl) 47 dated the 16th April 1950] Liberalised Pension Rules introduced [G I M F No F 3 (1) Ests (Spl)/47 dated 17th April 1950]
17 4-1950 to 16-4 1956	The maximum amount of pension of officers retiring during this period is Rs 6,750 under Liberalised Pension Rules
28 2 1951	An officer who retires after 17-4-1950 or who may retire before 1 3 1951 should exercise the option in para 1 (c) of G I M F Memo No F 3 (16) Est (Spl)/50 dated 2 1-1951 not later than 28 2 1951
15 7 1952 to 15- 7 1953 (exclusive)	In case of government servants retiring on or after 15 7 1952 but before 15 7 1953 one half of the Dearness pay sanctioned in G I F D No F 6(5) E II/53 dated 9 5 1963 corresponding to average emoluments is added (see G I order No 31 on page 201 )

<i>Date</i>	<i>Effect</i>
15 7 1953 to 15 7 1955 (exclusive)	The full dearness pay appropriate to average emoluments is added. It takes effect from 1 4 1953. [Note 6 on page 205]
7 4 1956	The maximum amount of pension of officers retiring from this date is Rs 8 100/ [G I M F No 20 (2) EV/56 dated 22 5 1957]
17- 4 1956	The officers appointed by the Secretary of State (other than I C S and I P) who continue or continued to serve after 14 8 1947 and retire after this date have been allowed to opt for Liberalised Pension Rules before 9 6 1958
13 8 1956	Half the period of S A S Apprenticeship counts as qualifying service from this date (Art 372)
1 4 1957	The disparities between class IV employees and others regarding pension and gratuity were removed [G I M F No 20(1) EV/57 dated 27 6-27] Decimal system of coinage introduced [G I Order No 1 below Art 468A] Qualifying service for the purpose of family pension reduced from 25 years to 20 years from this date [G I M F No 20(2) EV/56 dated 22 5 1957]
22 5 1957	Pension Rules further liberalised [G I M F No 20(2) EV/56 dated 22 5 1957]
1 4 1958	Temporary increase enhanced for those who retired before 15 7 1952 from this date till further orders [G I Order No (26) on page 199]
30 4 1958	Option in favour of New Pension Rules as further liberalised should have been exercised up to and inclusive of this date vide G I M F No F 30(2) EV/56 dated 20 1 1958
25 11 1958	Terms and conditions of re employment of retired government servants should be regulated with effect from this date according to G I M F No 8(34) Est III/57 dated 25 11 1958 (see G I order No (10) below Art 509A)
22 4 1960	Full period of temporary and officiating service counts if followed by confirmation in respect of officers retiring on or after this date [L P R Rule 7]
1 9 1960	Minimum age for service qualifying for pension fixed at 18 (Art 358)
1 12 1962	Age limit of compulsory retirement of Central Government servants raised to 58 years [G I M H.A., No 33/18 62 Est (A) dated 30-11 1962]

# CIVIL SERVICE REGULATIONS EXPLAINED

## HISTORY OF PENSION RULES

The Pension Rules were a part of the Civil Service Regulations before the Government of India Act of 1919. On the passing of this Act these Rules were adopted under Section 96-B of the Act and made applicable to all Central Government servants including members of All India Services.

2 From 29.8.1919 certain concessions were given to substantive holders of posts specified in Art. 349A. Those officers of Art. 349A who were included in Art. 404A were permitted to add to their service qualifying for superannuation pension the actual period not exceeding 5 years by which their age at retirement exceeded 25 years subject to the condition that the qualifying service was not less than 10 years. The officers were also permitted to retire after a qualifying service of 25 years instead of 30 years.

3 In 1924 the Secretary of State in Council framed Superior Civil Services Rules under Section 96 B (2) of the Act of 1919 for the members of services and substantive holders of posts enumerated in Schedule V of those rules and the rates of pension were revised. The rules were applicable to officers retiring on or after 1.4.1924.

4 From 1.4.1936 Central (Class IV) Services (Gratuity, Pension and Retirement) Rules, 1936 were introduced and on the introduction of Liberalised Pension Rules, 1950 all Class IV Government servants were brought under these rules.

5 From 17.4.1950 the Government of India on the recommendation of the Pay Commission, introduced the new Pension Rules which superseded the Superior Civil Services Rules, 1924, the Civil Service Regulations and Central (Class IV) Services Rules, 1936. The Government servants who were in service on 30.9.38 were permitted to exercise option. These rules were not applicable to ICS and IPS officers. Their main feature was grant of Death-cum retirement gratuity and family pension. An officer could also retire after completing 30 years qualifying service by giving 3 months' notice.

6 Rules were further liberalised and with effect from 17.4.1956 officers appointed by the Secretary of State or the Secretary of State in Council to a civil service or a post in India and who continued to serve under the Government of India after 14.8.1947 and retired on or will retire after 17.4.56 were allowed to opt for these rules. These rules were also made applicable to Class IV Government servants.

Concession was also granted in counting a portion of emoluments of officiating posts towards pension with effect from 24-3-47 and all dearness allowance began to be counted for calculating average emoluments from 1-1-1946

7. Further amendments were made in Pension Rules on the recommendation of the second Pay Commission and these are applicable to Government servants retiring on or after 22-4-60.

NOTE.—[The various rules mentioned above have been included in the book]

## PART IV—ORDINARY PENSIONS

All persons who entered service under the Central Government on or after the 1st October, 1938, or who having entered such service earlier did not hold a lien or a suspended lien on a permanent pensionable post before that date shall be governed by revised pension rules.

[G.I.F.D. No. F. 6 (55)-R II/38, dated the 1st October, 1938]

### Chapter XV.—General Rules

#### SECTION I—EXTENT OF APPLICATION

348A. Every pension shall be held to have been granted subject to the conditions contained in Chapter XXI.

349. The conditions of service of officers of the following classes include special rules for pension which are laid down in the chapters noted against each viz —

- \*(a) Judges of the High Courts (See Chapter XXIII).
- †(b) Barristers, etc., holding the appointments specified in Article 547 (See Chapter XXIV).
- (c) Members of the Indian Civil Service (See Chapter XXV).
- †(d) Ecclesiastical Officers (See Chapter XXVII).
- (e) Civil Engineers and Telegraph Officers (See Chapter XXX).
- †(f) State Railway Establishments (See Chapter XXXII).
- †(g) Bengal Covenanted Pilots (See Chapter XXXIII).
- (h) Police Officers drawing less than Rs 20 a month (See Chapter XX)
- †(i) Port Blair Police (See Chapter XXXIV)
- †(j) Army Veterinary Officers of the Civil Veterinary Department (See Chapter XXIX).
- †(k) Burma Military Police (See Chapter XXXVII).

\*See Appendix 1 of Volume II

†Not included in this book.

349A. (1) The rules in Articles 404A, 465A, 474A and 475A apply to officers (other than Military Officers and members of the Indian Civil Service) appointed substantively to services or the appointments specified below who—

- (a) joined their appointments after 29th August, 1919, or
- (b) were in service on 29th August, 1919 but have definitely elected in writing with the permission of Government to come under them.

NOTE —[Officers who were appointed in England during the year 1919 should, for the purpose of this Article, be treated as in service on 29th August, 1919, even if they joined their appointments after that date.]

These rules in the case of officers subject to them replace the rules in Articles 403, 404, 465, 474 (b), 475, 476 (c), 623, 641 (c), 642 and 643 :—

- The Agricultural Department—Indian and Provincial branches
- The Civil Veterinary Department—Officers of and above the rank of Deputy Superintendent.
- The Customs Department—Collectors and Assistant Collectors
- The Principal Appraisers
- The Educational Department—Indian and Provincial Services
- Principal and Assistant Masters recruited by the Secretary of State for service at the Prince of Wales Royal Indian Military College, Dehradun
- Inspectors of the Factory, Boiler and Smoke Nuisances Department in Bombay, of Factory and Boiler Inspection Departments in other provinces and of the Smoke Nuisances Department in Bengal.
- The Indian Audit and Accounts Service—Officers of and above Class II, Assistant Accounts Officers and Assistant Audit Officers in pensionable service
- The Military Accounts Department—Officers of and above Class II ; Deputy Assistant Controllers (including Deputy Assistant Military Accountants-General).
- The Forest Department—Imperial Service and Provincial Officers of and above the rank of Extra Assistant Conservator.
- The Geological Survey of India—Officers of rank equal to or above that of Assistant Superintendent
- The Provincial Civil Service—Executive and Judicial.†

†For this purpose this term includes the following :—

Deputy Collectors, Sub-Judges and District Munsiffs in Madras, Deputy Collectors and Magistrates Judges of the Small Cause Court, Subordinate Judges, 1st Class and 2nd Class, and Assistant Judges and Sessions Judges in Bombay, Deputy Magistrates and Deputy Collectors Subordinate Judges and Munsiffs in Bengal, Deputy Collectors, Subordinate Judges and Munsiffs in the United Provinces, Extra Assistant Commissioners, Extra Judicial Assistant Commissioners, Subordinate Judges and Munsiffs in the Punjab ; Extra Assistant Commissioners in Burma ; Deputy Magistrates and Deputy Collectors, Subordinate Judges and Munsiffs in Bihar and Orissa ; Extra Assistant Commissioners, District Judges, Subordinate Judges and Munsiffs in Central Provinces and Berar, Extra Assistant Commissioners in Assam, and Assistant Commissioner, District and Sessions Judge, and Munsiffs in Coorg.

- The Land Records (Burma) Department—Officers of and above the rank of Assistant Superintendent
- The Medical Department—Civil Surgeons and Civil Assistant Surgeons, Professors of Medical Colleges and Chemical Examiners
- The Indian Mines Department—Officers of or above the rank of Junior Inspectors
- The Mint and Assay Department—Masters and Deputy Masters; Chief Assayers and Deputy Chief Assayers
- The Police Department—Officers of the Indian Police and Deputy Superintendents
- The Indian Posts and Telegraphs Department—  
Officers of or above the rank of Superintendents of Post Offices and gazetted Deputy and Assistant Postmasters,  
Officers of the Telegraph Traffic Service Class I,  
Officers of the Superior Telegraph Engineering and Wireless Branches;  
Assistant Engineers, Telegraphs,  
Assistant Engineers Wireless,  
Assistant Electricians,  
Superintendent, Telegraph Workshop Accounts Officers (and Administrative Officers included in the cadre of Accounts Officers) belonging to the General Central Services Class II of the Posts and Telegraphs Department
- The Indo European Telegraph Department—Officers of and above the rank of Assistant Superintendent
- The Public Works Department—Officers of the Indian Service of Engineers and of the Provincial Engineer Service The Joint Estate Officer
- Financial Assistants to the Chief Engineer Central Public Works Department, Financial Assistants to the Additional Chief Engineers Central Public Works Department
- Military Engineering Service—All officers appointed to Class I of the Service, Director, Engineering Research Station, Chief Architect and Junior Architect
- The Railway Department—Officers of the Indian Railway Service of Engineers and of the Provincial Engineering Service, State Railways
- The Registration Department—Officers of or above the rank of District Registrar
- The Northern India Salt Revenue Department—Officers of and above the rank of Assistant Superintendent.
- The Salt and Excise Department—Officers of and above the rank of Assistant Collector in Bombay, of Inspector in Madras, of Assistant Commissioner in the United Provinces, of Assistant Superintendent in Burma, of Superintendent in Bengal Bihar and Orissa, and Assam, and of District Excise Officer in the Central Provinces
- The Survey of India Department—Officers of and above the rank of Extra Assistant Superintendent and Superintendent and Assistant Superintendent Mathematical Instrument Office
- The Survey (Madras) Department—Directors and Assistant Directors
- The Imperial Meteorological Department—Officers of and above the rank of Assistant Director or Assistant Meteorologist, and the Scientific Assistant
- The Opium Department—Officers of and above the rank of District Opium Officer or Assistant Opium Officer

The Archaeological Department—Officers of rank equal to or above that of Assistant Superintendent.

The Jail Department—Officers of and above the rank of Superintendent.

The Department of Insurance—Officers of and above the rank of Assistant Controller of Insurance

Director of Statistics.

Second Imperial Economic Botanist, Pusa

Dairy Husbandry Officer, Indian Dairy Research Institute, Bangalore.

Economic Botanist to the Botanical Survey of India

Superintendents of Provincial Governments' Presses

Managers, Government of India Presses, Calcutta, Aligarh, Simla and Delhi. Deputy Controllers in the Stationery and Printing Department and Manager, Government of India Central Publication Branch, Calcutta

Shipping Masters, Bombay and Calcutta, and Deputy Shipping Masters, Bombay and Calcutta

Port Officers in the Madras Presidency, not belonging to the Royal Indian Marine

The Government Examiner of Questioned Documents.

Deputy Registrar for the Appellate Side of the Calcutta High Court.

Registrar, Official Referee and Master, Registrar in Insolvency, Deputy Registrar and Assistant Master and Referee, on the Original Side of the Calcutta High Court

Judges of the Small Cause Court at a Presidency town and at Rangoon.

Presidency Magistrates

City Civil Judge, Madras

Superintendent of Government Museum and Principal Librarian of the Connemara Public Library, Madras.

Registrars of Joint Stock Companies for Bengal and Bombay.

Registrar, Judicial Commissioner's Court, Sind, when the post is not held by a Provincial Civil Service Officer

Head Assistant, Prothonotary's Office, Assistant Taxing Officer, Chief Clerk of the Insolvent Debtors' Court, First Deputy Registrar, Second Deputy Registrar, and Third Deputy Registrar on the Original Side of the High Court, Bombay

Deputy Registrar on the Appellate Side of the High Court, Bombay

Deputy Registrars for the Original and Appellate Sides of the Madras High Court

Official Referee, Madras

First and Second Deputy Registrars of the Chief Court of Lower Burma.

Deputy Registrar of the Allahabad High Court

Zoological Survey of India Department—Officers of and above the rank of Assistant Superintendent.

Imperial Bacteriological Laboratory at Muktesar—Director and First Bacteriologist, Second and Second Assistant Bacteriologist, Pathologist, Veterinary Officer, Engineer; First, Second and Third Laboratory Assistant, and Farm Manager



Second Solicitor to the Government of India  
 Curator Bureau of Education Government of India  
 Chemical Examiner for Customs and Excise, Calcutta  
 Officers of the Central Secretariat Service—Selection Grade  
 Officers of the Central Secretariat Service—Grades I and II  
 Assistant Secretaries Registrars and Superintendents employed in the  
 Government of India Secretariat Press and Forms Manager,  
 Bengal  
 Assistant Secretary to the Resident at Hyderabad  
 Assistant Secretary to the Honourable the Political Resident in the  
 Persian Gulf  
 Manager, Government Photozincographic Press Poona  
 Chief Constructor Constructor and Assistant Constructor, Bombay  
 Dockyard  
 Resident Engineer Government Dockyard Dawbong, Rangoon  
 The Curator, Madras Record Office  
 The Keeper of the Records of the Government of India  
 Upper Grade Assistants employed at the Forest Research Institute  
 and College Dehra Dun  
 The Forest Engineering Service  
 Assistant Financial Advisers Military Finance  
 Principal of the Bihar School of Engineering  
 Financial Assistant Secretary to the Government of the Central  
 Provinces  
 Registrar Civil Secretariat Central Provinces  
 Under Secretary to the Government of the Central Provinces  
 Assistant Secretary to the Government of the Central Provinces in  
 the Public Works Department  
 Managers of the Commissioner's Press Karachi and Government  
 Central and Yeravda Prison Presses Bombay  
 Deputy Assistant Political Agents under the Government of Bombay  
 Oriental Translator to the Bombay Government  
 Assistant Secretaries to the Government of the United Provinces  
 Assistant Secretaries to the Government of Bombay  
 First and Second Assistant Secretaries to the Government of Bengal  
 Legislative Department and Assistant Secretaries to the Bengal  
 Legislative Council  
 Deputy Under and Assistant Secretaries to the Government of  
 Madras  
 Extra Assistant Commissioners in the North West Frontier Province  
 and in Baluchistan  
 Central Revenues Chemical Service —  
 Chief Chemist  
 Chemical Examiner Control Laboratory New Delhi  
 Chemical Examiner Opium Factory, Ghazipur  
 Principal, Vice Principal Professors and Lecturers Government  
 College Ajmer

Head Master, Government High School, Ajmer  
 Head Master, Moinia Islamia High School, Ajmer  
 District Inspector of Schools Ajmer-Merwara  
 Additional District and Sessions Judge Ajmer  
 Subordinate Judges, Ajmer and Beawar /  
 Judge, Small Cause Court, Ajmer /  
 Extra Assistant Commissioners Ajmer and Merwara, and sub-  
 Divisional Officer, Kekti -)  
 General Manager, Court of Wards Ajmer ~ 1  
 Treasury Officer and Magistrate, 1st Class, Ajmer.  
 Railway Magistrate, 1st Class, Ajmer  
 Superintendent of Excise Ajmer-Merwara  
 Agricultural Engineers in pensionable service  
 The Income-Tax Department--All gazetted Officers /  
 The Central Board of Revenue--Members and Personal Assistants to  
 the Members  
 Personal Assistant to the Inspector General Civil Hospitals Punjab  
 Survey Officer in the Central Provinces )  
 The Burma Frontier Service  
 Assistant Secretary to Government, Punjab Public Works Department,  
 Irrigation Branch  
 Assistant Secretary to Government, Punjab Public Works Depart-  
 ment, Buildings and Roads Branch  
 Assistant Secretaries to Government, Punjab, employed in the Civil  
 Secretariat  
 Registrar, Punjab Irrigation Secretariat  
 Deputy Registrar, High Court, Lahore  
 Deputy Director of Gardens, United Provinces  
 Officer-in-Charge, Medal Distribution  
 Civilian Staff Officers Grade I Civilian Staff Officers Grade II.  
 Civilian Office Supervisors at Army Headquarters, Naval Headquarters,  
 Air Headquarters, and Inter Service Organization  
 Under Secretary, Office of the Military Secretary to the President  
 Any other Officer eligible for an additional pension under Article  
 475A  
 " Secretary to the Chief Justice, Calcutta High Court.  
 Currency Department--Assistant Currency Officers.  
 Civilian Gazetted Officers, Indian Army Service Corps Record Office  
 Controller of Patents and Designs  
 Chief Controller of Imports and Exports  
 Joint Chief Controller of Imports and Exports  
 Examiner of Patents  
 Assistant Government Examiner of Questioned Documents  
 Accounts Officer, Andamans Forest Department.  
 Managers, Photo Litho Office and the Head Engraver, Engraving  
 Office Survey of India  
 Chemical Examiner, Bombay Custom House and Chief Accounts  
 Officers, Calcutta and Bombay Custom Houses  
 Director General of Civil Aviation in India.  
 Administrative Officer, Civil Aviation Directorate

Superintendent, Horticultural Operations, New Delhi.

Executive Engineer, Public Works Department, Andaman and Nicobar Islands, and Supply Officer and Secretary to the Chief Commissioner, Andaman and Nicobar Islands,

Assistant Director, Intelligence Bureau, Ministry of Home Affairs

Administrative Officer, Intelligence Bureau, Home Department

Superintendents, Intelligence Bureau, Ministry of Home Affairs

(2) The Government of India may include in the list in clause (1) any gazetted services or appointments the duties of which are so important that they cannot be regarded as subordinate.

**NOTE.**—[An officer who does not hold substantively one of the appointments mentioned above, but who by rendering officiating service counting as effective service in one of the appointments included in the schedule appended to Article 475A, becomes eligible for an additional pension, is entitled to the benefit of this Article, provided, in the case of officers who were in service on 29th August 1919 they have definitely elected the rules referred to in the preamble of the Article.]

### AUDITOR GENERAL'S ORDER

Rules 13 and 14 of the Superior Civil Services (Revision of Pay and Pension) Rules, 1924, apply to all members of the services and holders of appointments specified in Schedule V appended to those Rules whether they have or have not elected the Pension Rules of 1919.

[Ar Genl's letter No T 85/80 A-25, dated the 27th April, 1925]

349AA. Article 349A does not apply to an officer (1) who entered Government service on or after 1st October, 1938 or (2) who, having entered such service before that date, did not hold a lien or a suspended lien on a permanent pensionable post before that date or (3) who is transferred on or after 1st October, 1938 permanently from service under a provincial Government or a Local Fund administered by Government to service under the Governor General in Council and did not hold a lien or a suspended lien on a permanent pensionable post under the Provincial Government or the Local Fund before that date.

In the case of such officers the rules in Articles 465AA, 474AA and 475AA replace the rules in Articles 465, 465A, 474A, 475, 475A and 623

**NOTE.**—The officers governed under Art 349AA are not eligible for the benefit of Art 404A (Imp)

349B Notwithstanding anything contained in Article 349A, the rules in this Part, subject to the exception noted below, do not apply to officers of the Indian Railway Service of Engineers, or the Provincial Engineering Service, State Railways, who joined their appointments on or after 17th September, 1925.

**Exception** (a) The undermentioned officers who joined their appointments in the Indian Railway Service of Engineers after 17th September, 1925, are subject to the rules in this Part to the same extent as other officers appointed to the service before that date —

(i) Mr R C Harvey

(ii) Mr. Q F Rahman.

(b) Officers in pensionable service who were or may be promoted to the Indian Railway Service of Engineers or the Provincial Engineering Service, State Railways on or after 17th September, 1925 retain their pensionary privileges after promotion

**350.** The pensions of all other officers are regulated by the rules in this Part : Provided that it is open to a Local Government to rule that the service of any class of officers serving under it does not qualify for pension.

1 *Service in Dak Bungalow and District Garden Establishments does not qualify*

2. 1 The service of a Patwari whether appointed before or after the abolition of the Patwari or Village Officers Cesses and Funds, does not qualify in any case in which it did not qualify prior to that abolition

**351.** Future good conduct is an implied condition of every grant of a pension. The Local Government, the Government of India, and the Secretary of State in Council reserve to themselves the right of withholding or withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave misconduct.

The decision of the Secretary of State in Council on any question of withholding or withdrawing the whole or any part of a pension under this Regulation shall be final and conclusive

NOTE.—[This rule is applicable to all the officers enumerated in Article 349 except Judges of the High Courts Bishops Army Veterinary Officers of the Civil Veterinary Department and members of the Civil Service appointed before 16th January, 1904 ]

## GOVERNMENT OF INDIA'S ORDERS

*Power of Local Government to reduce a pension already granted*

(1) Competent authority should refrain from proceeding against an officer's sanctioned pension either for the purpose of recouping losses suffered by Government owing to negligence or default on his part while in service or by way of punishment for misconduct on his part while in service.

[G I F D No D 4207 R II, dated the 1st December 1928 Paragraph 26 of India Supplement ]

(2) Pensions are not in the nature of rewards. There is a binding obligation on Government which can be claimed as a right. Their forfeiture is only on resignation, removal or dismissal from service. Before a pension is sanctioned, the sanctioning authority can reduce the amount due under Article 470 C S R and after it is sanctioned its continuance depends on future good conduct *vide* Article 351 C S R but it cannot be stopped or reduced for other reasons

[G I M F U O No D 2776/EV/52, dated the 8th May 1952 ]

*Recovery of Government dues*

(3) The failure or refusal of a pensioner to pay any amount owed by him to Government cannot be said to be 'misconduct' within the meaning of Art 351 C S R. The recovery cannot also

be effected by resort to Art 470 C.S.R. Provisions of that Article do not permit any penalty recoverable from his pension or from any temporary reduction in pension with a view to effect recovery of Government funds. The reduction in pension under that Article is in other words to be related to the quality of service rendered by the officer i.e., whether it is approved or not. In the result any possible way of recovering/demanding Government dues from a retiring officer who refuses to agree in writing, to such dues being recovered from his pension is either to delay the final sanction of his pension for some time which will have the desired effect for persuading him to agree to recovery being made therefrom or to take recourse to a Court of Law.

[G I M F No F 7(28) EV/53 dated the 25th August 1953]

(4) It is permissible to make recovery of Government dues from the death *cum* retirement gratuity due in respect of an officer even without obtaining consent of the members of his family in the case of the deceased officer as the case may be.

[G I M F No F 51(3) EV/58 dated the 2nd September 1959]

#### *Write off of dues*

(5) It has come to notice that in some cases an amount due from a person has to be written off on the ground that he/she is no longer in Government service and no recovery is therefore, possible. It has now been decided that in such cases the orders sanctioning write off should invariably contain a clause that any sums which are subsequently found due to the person concerned will be adjusted against the amounts written off.

This order issues in consultation with the Comptroller and Auditor General of India.

[G I M F No 18(9) E II (A)/59 dated the 25th June 1959]

(6) In order to ensure that the amounts of overpayments written off on the ground of a Government servant being no longer in service are set off against *any sums which are subsequently found due*, it has been decided that the following procedure be adopted in regard to refund of excess recovery if any, of house rent to retired Government servants.

#### (i) Non gazetted Government servants

Refund of amount is normally made only through the office under whom the Government servant concerned served last and the Head of the Office concerned should ensure that overpayments if any already written off are set off against such refunds.

#### (ii) Gazetted Government servants

In the case of refund of excess house rent recovered from a retired gazetted Government servant the Directorate of Estates would obtain a certificate from the Head of the Department/Office under whom he served last to the effect that no claim due from him

had been written off on account of his being no more in Government service which could be adjusted against the amount applied for. The Ministries will also maintain appropriate indexed record to this effect.

This order issues in consultation with the Ministry of Works, Housing and Supply and the Comptroller and Auditor General of India.

[G I M F No 18(9) E, 11(A)/59 dated the 14th May, 1960]

(7) A question has been raised whether the expression "any sums which are subsequently found due" occurring in order (6) above covers only the dues relating to the period when the person concerned was originally in Government service or also covers any dues which may accrue to him as a result of his subsequent re-employment under Government. In other words whether an amount of overpayment made to a Government servant and written off on the ground that the person concerned is no longer in Government service, can be recovered from him by adjustment of the pay and allowances earned by him in the course of his re-employment under Government. The President has now been pleased to decide that in cases where the amount of overpayment is written off merely because the person concerned is no longer in Government service and not on any other ground as for example that its recovery would cause hardship to the individual concerned, the dues which may accrue to him during the period of his re-employment under Government may be adjusted against the amount written off.

2 In the terms of re-employment of a retired Government servant a condition should invariably be inserted to the effect that any amount of overpayment pertaining to the pre retirement period including the amount written off on the ground that he was no longer in Government service would be recoverable by adjustment of the pay and allowances admissible to him during the period of re-employment.

3 It will be the duty of the office re-employing a retired Government servant to make an enquiry from the office where he was formerly employed whether any amount is recoverable in terms of paragraph 1 above. Such an enquiry will have to be made immediately after a person is re-employed. The final payment to the re-employed person on the termination of his re-employment should not be made unless the re-employing office has ensured that no amounts are adjustable in terms of paragraph 1 above.

4 Past cases which have already been decided otherwise than in accordance with the provisions of this decision need not be reopened.

5 This order issues in consultation with the Comptroller and Auditor General of India.

[G I M F No F 18 (9) E 11(A)/59 dated the 21st November 1960]

#### *Arrears of Municipal dues*

(8) The arrears of water and electricity are dues of Municipal

Committees etc which are local bodies and are therefore not 'Government dues' Similarly Co operative Societies are not Government organisations and any dues to those cannot be treated as 'dues to Government' No recovery of such dues can be made from the 'Death cum Retirement gratuity'

Family pension is like any other pension and recoveries of dues whether Government or non-Government are not permissible from it without obtaining the consent of the pensioner

[G I M F U O No 2896 Est A/60 dated the 31st August 1960]

### *Commutation of the residual Pension*

(9) Under the Commutation Rules, a pensioner can commute  $\frac{1}{2}$  or  $\frac{1}{3}$  of the pension that has been granted under the Rules When a part of the pension is withheld or withdrawn under Art 351 C.S.R the residual amount is the amount that has been granted under the rules from the date of withholding or withdrawal of a part of pension As such if a commutation is applied for after this date the admissible amount that can be commuted will have to be calculated with reference to the pension payable to the person after that date Commutation Rules do not state that the commutable amount is to be calculated with reference to the pension originally granted to the person

[Ar Genl s U O No 610-AI/152 60 dated the 9th August 1960]

### *Intimation of cases of convicted pensioners*

(10) Under Art 351 C.S.R future good conduct is an implied condition of the grant of every pension and Government has the right to withhold or withdraw a pension or any part of it if the pensioner is convicted of a serious crime or found guilty of grave misconduct It is, therefore necessary to ensure that cases where pensioners are convicted by a Court of any crime are also brought to the notice of Government The Government of India, Ministry of Home Affairs, therefore request that if the State Government have no objection instructions may kindly be issued to prosecuting officers under the control of the State Government to ensure the prompt intimation of such cases to the administrative authorities concerned in future

[G I M H A No 50/2/59 Ests (A) dated the 7th October, 1959]

### *Patwaris in the Local Funds of Ajmer—Merwara*

(11) The services of Patwaris in the Local funds of Ajmer—Merwara should not be treated as pensionable merely because their pay has become a charge on general revenues

[G I F D No 5498 A, dated the 28th September, 1906]

## AUDITOR GENERAL'S ORDERS

(1) The Auditor General has laid down the following comprehensive instructions, regarding the recoveries from pensions and compassionate allowances with the approval of the Government

of India —

1 A claim may become known and the question of making recovery may arise —

(A) when the calculation of pension is being made and before the pension is actually sanctioned, or

(B) after the pension has been sanctioned

The claim and the recovery may be one or other of the following —

(1) Recovery as a punitive measure in order to make good loss caused to Government as a result of negligence or fraud on the part of the person concerned while he was in service

(2) Recovery of other Government dues such as over issues of pay, allowances or leave salary, or admitted and obvious dues such as house rent, Postal Life Insurance Premium outstanding motor car, house-building, travelling allowance or other advances

(3) Recovery of non-Government dues

2 The Government of India have decided that —

I In cases falling under (A) above, none of the recoveries mentioned in (1) to (3) above may be effected by a reduction of the pension about to be sanctioned except in the following circumstances —

(a) When an officer's service can be held to have been not be thoroughly satisfactory a reduction in the amount of pension may be made under Art 470 (b) C S R by a competent authority although no direct penal recovery from pension is permissible

(b) When the pensioner by request made or consent given has agreed that the recovery may be made If such request is not made or consent is not given by the pensioner, even sums admittedly due to Government such as house-rent, outstanding advances, etc., may not be recovered from pension In such cases however, the executive authorities concerned would have to consider whether they should not try to effect the recovery otherwise than from pension, for example, by going to a Court of Law, if necessary

II In cases falling under (B) above, none of the recoveries described in clauses (1) to (3) may be effected by the deduction from a pension already sanctioned except at the request or with the express consent of the pensioner Under Art 351 C S R *future good conduct is an implied condition of every grant of a pension* and a pension can be withheld or withdrawn in whole or in part if the pensioner is convicted of serious crime or is guilty of grave misconduct This, however, refers only to crime or misconduct occurring after the pensioner has retired from service and the rule would not therefore, cover a reduction of pension made for the purpose of retrieving loss caused to Government as a result of negligence or fraud on the part of the pensioner occurring before he had retired from service



In cases where the pensioner does not agree to recovery being made even of sums admittedly due to Government, the concluding remarks made under I (b) above will also be applicable

3 These instructions apply to all Government servants under the rule making control of the Secretary of State, the Governor-General and the Provincial Governments unless a rule to the contrary is made (a) by the Governor General or Provincial Government in respect of any Government servants under their rule making control not protected by rule 9 of the Civil Services (Classification, Control and Appeal) Rules or (b) or with the approval of the Secretary of State in Council in respect of any other servants

4 The following procedure must be strictly followed in dealing with recoveries from pensioners —

In addition to the Last Pay Certificate in each case a separate communication will be received from the Head of his office showing particulars of outstanding amounts and it will be dealt with by the Pension Section. If the pensioner's request or express consent to recovery from pension has been received necessary action should be taken to ensure that the outstanding amount is held under objection by the Pension Section which will watch its recovery through the objection book. After this action is taken, the communication should be passed on to the Departmental Audit Section or Gazetted Audit Department as the case may be for verification of the outstandings and return. All other cases in which the pensioner's request or express consent has not been received will be passed on by the Pension Section without delay to the Departmental Audit or Gazetted Audit Section concerned for further action

[Ar Gen] s letter No 117 A/103 34 dated the 1st July 1935 ]

(2) Although compassionate allowance is of the nature of an *ex gratia* payment it is really a form of pension and therefore, recoveries from it once it is sanctioned should be governed by the orders contained in the Auditor General's letter given above. Direct recovery of Government dues from compassionate allowance is not permissible under those orders but recovery may be made indirectly (before the allowance is sanctioned) by reducing the allowance either permanently or as a temporary measure

[Ar Gen] s letter No T 14 A/56 36, dated the 27th April 1916 ] (See Chapter XIII Punjab Manual) (Imp)

351A The President further reserves to himself the right of withholding or withdrawing a pension or any part of it whether permanently or for a specified period and the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government if the pensioner is found in departmental or judicial proceedings to have been guilty of grave misconduct or negligence during his service including service rendered on re-employ-

ment after retirement -

Provided that—

(a) such departmental proceedings, if not instituted while the officer was on duty either before retirement or during re-employment —

(i) shall not be instituted save with the sanction of the President;

(ii) shall be in respect of an event which took place not more than four years before the institution of such proceedings;

(iii) shall be conducted by such authority and in such place or places as the President may direct and in accordance with the procedure applicable to proceedings on which an order of dismissal from service may be made,

(b) such judicial proceedings, if not instituted while the officer was on duty either before retirement or during the re-employment, shall have been instituted in accordance with the sub-clause (ii) of clause (a); and

(c) the Union Public Service Commission shall be consulted before final orders are passed

*Explanation—for the purposes of this Article—*

(a) departmental proceedings shall be deemed to have been instituted when the charges framed against the pensioner are issued to him, or, if the officer has been placed under suspension from an earlier date, on such date, and

(b) judicial proceedings shall be deemed to have been instituted—

(i) in the case of criminal proceedings, on the date on which a complaint is made, or a charge sheet is submitted, to a criminal court, and

(ii) in the case of civil proceedings, on the date on which the plaint is presented or, as the case may be, an application is made, to a civil court

## GOVERNMENT OF INDIA'S ORDERS

### *Officers charged with corruption*

(1) The Ministry of Home Affairs has had under consideration for some time, in consultation with the Union Public Service Commission, the question whether in a departmental enquiry an officer charged with corruption should be presumed to be guilty of that charge in case he is unable to satisfactorily account for possession by himself or by any other person on his behalf, e.g., dependants, of pecuniary resources of property disproportionate to his known sources of income. It is considered that a presumption of corruption fairly and reasonably arises against an officer who cannot account for large accretion of wealth which he could not possibly have saved from his known sources of income. Such principle has received

statutory recognition in Section 5(3) of the Prevention of Corruption Act, 1947, and it is considered that its application in a departmental enquiry would not be unjust or inequitable. Accordingly, it has been decided that if an officer against whom a departmental enquiry is held is unable to explain satisfactorily the large wealth amassed by him, the officer holding the enquiry is entitled to act on the presumption that such wealth was amassed by corrupt means.

[G I M H No 39/19/61-Ests dated the 8th October, 1952]

(2) Failure on the part of the officer concerned to explain satisfactorily the possession of wealth disproportionate to his known sources of income is sufficient to warrant a reduction being made in the amount of his pension under Art 470 C S R. Such action under Art. 470 should, however, be taken only after a charge of corruption has been proved in the above manner in a formal departmental enquiry.

Similarly the term 'grave misconduct' used in Art 351A C S R is wide enough to include 'corrupt practices'. In cases where the charge of corruption is proved only after pension has been sanctioned, and it is not, therefore, possible to invoke the provisions of Art 470 *ibid*, action to withhold or withdraw pension may be taken under Art 351A *ibid*. In this connection the provisions of sub para (a) (ii) and para (b) of the proviso to Art 351A are to be noted carefully.

In accordance with these provisions the property or pecuniary resources in respect of which the department or judicial proceedings are instituted under Art 351A C S R should have been acquired by the person concerned or by any other person on his behalf any time within the period of four years before the institution of such proceedings if not instituted while the officer was on duty either before his retirement or during re-employment.

[G I M F No F 5 (75) EV/59 dated the 28th August, 1959 and F 5 (75) EV/59 dated the 6th October 1960]

(3) Union Public Service Commission should be consulted in all cases before final orders to withhold or withdraw a pension or any part of it in terms of this Article are passed.

[G I M F U O No 58 EV (A)/59 dated the 7th February, 1959]

#### *President's right to withhold pension*

(4) Under this Article besides the right of ordering recovery from a pension of the amount of any pecuniary loss caused to Government, the President has also reserved to himself the right of withholding or withdrawing a pension or any part of it, whether permanently or for a specified period. The authority which institutes proceedings of the nature referred to in Art 351A, C S R, should without delay intimate the fact to the Audit Officer concerned.

It has also been decided that in a case in which a pension as such is not withheld or withdrawn but the amount of any pecuniary loss caused to Government is ordered to be recovered from the pension, the recovery should not ordinarily be made at a rate exceeding one-third of the gross pension originally sanctioned including any amount which may have been commuted.

[G.I.M.F. No. F. 7 (73)-EV/58, dated the 12th March, 1960].

(5) There is nothing in the language of Art. 351A to restrict the right of the President to withholding only a part of the pension in the case dealt with by this provision. On the other hand the words "withholding or withdrawing a pension" clearly convey that the President is competent to withhold or withdraw the full pension. The Government of India's order No. (4) above related to the extent to which deduction was to be enforced from pension for recovery of loss caused to Government by the officer. It was an administrative decision based more on equitable considerations than any interpretation of the provision for, in strict law, it was permissible under the old Article and remains permissible under the new Article to appropriate the pension in full towards the recovery. While "to restrict the amount of withheld pension to one-third of the pension originally sanctioned" in the order may be applied under the new Article in cases where the order is for recovery of losses from the pension, it has no bearing on the question of Government's right to withhold or withdraw the pension and Government may order the full pension to be withheld or withdrawn.

[G I M.F.U.O. No. 2497/60-Adv. (B), dated the 21st May, 1960].

## SECTION II—CASES IN WHICH CLAIMS ARE INADMISSIBLE

352. In the following cases no claim to pension is admitted :—

- (a) When an officer is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged.
- (b) When a person is employed temporarily on monthly wages without specified limit of time or duty; but a month's notice of discharge should be given to such a person, and his wages must be paid for any period by which such notice falls short of a month.
- (c) When a person's whole time is not retained for the public service, but he is merely paid for work done for the State.

1. This clause applied, among others, to the following officers :—  
Advocate General, Solicitor to Government, Government Pleaders and Law Officers not debarred from private practice, Sheriffs in Presidency towns, Coroners, Roman Catholic Priests.

- (d) When a public servant holds some other pensionable office, he earns no pension in respect of an office of the kind mentioned in clause (c) or in respect of duties paid for by a Local Allowance.

- (c) When an officer serves under a covenant which contains no stipulation regarding pension, unless the Government of India specially authorises an officer to count such service towards pension.

## GOVERNMENT OF INDIA'S ORDERS

### *A Treasurer in charge of more than one treasury*

- (1) Where a treasurer has charge of more than one treasury, he is entitled to pension on the pay of the appointment of Treasurer actually filled by himself

[G I F D No 1407 dated the 7th March 1894, Paragraph 66 of the Punjab Manual]

### *Absentee Treasurer*

- (2) No claim to pension is admissible, when a person's whole time is not retained for the public service, but he is merely paid for work done for the state, and a treasurer who does not do that work himself, but appoints an agent instead is not eligible for a pension under the rules

[G I F D No 3230 dated the 9th July, 1895 Paragraph 65 of the Punjab Manual]

### *Benefits to Temporary and Quasi Permanent Employees*

- (3) On the recommendations of the Pay Commission regarding the grant of death/retirement/terminal benefits, for purely temporary employees and certain other categories of employees in the event of death while on service or retirement or retrenchment or invalidment, the President has been pleased to decide that the following benefits should be allowed with effect from the 1st November, 1959, in respect of the categories of employees specified below subject to the conditions indicated in each case —

## SECTION I—TEMPORARY EMPLOYEES

2 A—*Terminal gratuity* (i) A temporary employee who retires on superannuation or is discharged on account of retrenchment or is declared invalid for further service, will be eligible for a gratuity at the rate of 1/3rd of a month's pay for each completed year of service provided he has completed not less than 5 years' continuous service at the time of retirement/discharge invalidment

(ii) In calculating the gratuity the period of temporary service, if any, rendered from the 3rd September, 1939 to the 31st October, 1945, will also be taken into account. The gratuity admissible to such employees under the orders contained in the late Finance Department O M No 12(27) WII/45 dated the 30th November, 1945, as extended from time to time will with effect from the date on which these orders come into force cease to be admissible

B—*Death gratuity* The family of a temporary Government servant who dies while in service will be eligible for a death gratuity

on the scale and subject to the conditions specified below

- (a) On death after completion of one year's service but before completion of three years' service—a gratuity equal to one month's pay
- (b) On death after completion of three years' service but before completion of five years' service—a gratuity equal to three months' pay or the amount of the terminal gratuity to two months' pay
- (c) On death after completion of five years' service or more a gratuity equal to three months' pay or the amount of the terminal gratuity mentioned in Part A of this Section, if it is greater.

NOTE.—[‘Pay’ for the purpose of determining the amount of terminal death gratuity under this Section will mean only basic pay and also dearness pay in the case of those who retain the existing scales of pay, at the time of relinquishing service or of death as the case may be. It will not include special pay personal pay, and other emoluments classed as ‘pay’. In case the person concerned was, on leave with or without allowances immediately before retirement/discharge/invalidment/death, pay for this purpose will be the pay which he would have drawn had he not proceeded on such leave.]

## SECTION II—ADDITIONAL BENEFITS IN RESPECT OF TEMPORARY SERVICE FOLLOWED BY QUASI PERMANENCY

3 A—*Terminal gratuity* A quasi permanent employee who retires on superannuation or is discharged on account of retrenchment or is declared invalid for further service will be granted in addition to the gratuity admissible to him in respect of his quasi permanent service, a gratuity in respect of the period of continuous temporary service rendered by him before becoming quasi permanent, at the rate of  $\frac{1}{3}$ rd of a month's pay for each complete year of such service, provided that the total period of his temporary and quasi-permanent service, on the date of retirement/discharge/invalidment is not less than 5 years. For this purpose, fractions of a year of quasi permanent service, if any, will be given credit as for temporary service if the fractions of the temporary and quasi permanent service add up to a full year

B—*Death gratuity* In the event of death of a quasi permanent employee in service, his family will be granted gratuity on the following scale —

- (a) If the death takes place after completion of 3 years but before completion of 5 years total continuous service (i.e. including both temporary and quasi permanent service), a gratuity equal to three months' pay
- (b) If death takes place after completion of 5 years' total service or more a gratuity equal to 4 months' pay or terminal gratuity as in 'A' above whichever is more

NOTE.—[ Pay" for the purpose of this sub-paragraph will mean the emoluments as defined in Art. 486A, C S R

### SECTION III—PERMANENT PENSIONABLE EMPLOYEES DYING BEFORE COMPLETION OF 5 YEARS' QUALIFYING SERVICE

4 (i) Under the Liberalised Pension Rules the family of a permanent pensionable employee who dies while in service, after completing 5 years' qualifying service, is eligible for a gratuity which is subject to a minimum of 12 times the emoluments of the officer at the time of death. It has now been decided that the family of such an employee who dies before completing 5 years' qualifying service will also be eligible for a gratuity equal to 6 times the emoluments of the Government servant at the time of his death except in cases in which death occurs in the first year of service when the gratuity admissible will be equal to two months' emoluments.

(ii) The death gratuity admissible to the family of such employees under the orders contained in Finance Ministry's Office Memorandum No F 7(46)-EV/54, dated the 26th June, 1956, will, with effect from the date on which these orders come into force cease to be admissible.

### SECTION IV—GENERAL

5 (i) Except as otherwise indicated in this order the various terms used in these orders e.g. 'Government service', 'quasi-permanent service' and 'temporary service', will have the meaning assigned to them in the Central Civil Services (Temporary Service) Rules, 1949.

(ii) The gratuity admissible under Sections I and II above will be payable in accordance with the provisions contained in the Central Civil Services (Temporary Service) Rules, 1949, and relevant orders and instructions issued thereunder.

(iii) The grant of gratuity under these orders will be subject to the service rendered by the employees concerned being held by the authority competent to appoint him, to be approved and satisfactory.

(iv) No gratuity will be admissible —

(a) In a case where the employee concerned resigns his post or is removed/dismissed from public service,

(b) to a probationer or other Government servant discharged for failure to pass the prescribed test or examination, and

(c) to a re-employed pensioner.

6 Where compensation is payable under the Industrial Disputes Act the amount of such compensation will be set off against the amount of gratuity payable under these orders if the amount of gratuity is more than the amount of the compensation.

If, however, the amount of the said compensation is higher than the gratuity payable under these orders, no gratuity will be paid.

[G I M F, No F. 17(1)-EV (A)/60, dated the 11th July, 1960]

### Misconduct or Inefficiency

353. No pension may be granted to an officer dismissed or removed for misconduct, insolvency or inefficiency; but to officers so dismissed or removed compassionate allowances may be granted when they are deserving of special consideration:

Provided that the allowance granted to any officer shall not exceed two-thirds of the pension which would have been admissible to him if he had retired on medical certificate:

Provided further that no allowance shall be granted to an officer under the rule-making control of the Secretary of State for India in Council without his sanction.

### GOVERNMENT OF INDIA'S ORDERS.

#### *Grant of Compassionate Allowance*

(1) Article 353 C.S.R. vests Government with an absolute discretion to grant or not to grant any compassionate allowance, the only restriction being that if granted, it shall not exceed the maximum of two-thirds of the pension that would be admissible to the officer concerned on retirement on medical certificate. It is practically impossible in view of the wide variations that naturally exist in the circumstances attending each case, to lay down categorically precise principles that can uniformly be applied to individual cases. Each case has, therefore, to be considered on its merits and a conclusion has to be reached on the question whether there were any such extenuating features in the case as would make the punishment awarded, though it may have been necessary in the interests of Government, unduly hard on the individual. In considering this question it has been the practice to take into account not only the actual misconduct which occasioned the dismissal or removal of the officer, but also the kind of service he has rendered. Where the course of misconduct carried with it the legitimate inference that the officer's service has been dishonest, there can seldom be any good case for a compassionate allowance. Poverty is not an essential condition precedent to the grant of a compassionate allowance, but special regard is also occasionally paid to the fact that the officer has a wife and children dependent upon him, though this factor by itself is not, except perhaps in the most exceptional circumstances, sufficient for the grant of a compassionate allowance.

[G I F D, No F. 3 (2) R II/40 dated the 22nd April, 1940, Paragraph 30 of India Supplement]

NOTE—[The authorities who are competent to remove or dismiss the Government servant from service may grant him compassionate allowance under Article 353 C.S.R. with due regard to the guiding principles enunciated in the above order]



*Report from Audit Office*

(2) The report of the Audit Officer is required in all cases of grant of compassionate allowance  
(Paragraph 27 of India Supplement)

*Commutation of Compassionate Allowance inadmissible*

(3) No officer, even if belonging to a class entitled to commute ordinary pension, is entitled to commute a compassionate allowance, a commutation to such an allowance may be sanctioned by a competent authority only on proofs that the proceeds of the commutation will be invested for the permanent benefit of the commuter's family

[G.I.F.D No D 9291 Ex 131, dated the 6th January, 1932]

*Application for grant of Compassionate Allowance*

(4) (i) On receipt of the orders of the competent authority removing an officer from service for misconduct insolvency or inefficiency, the head of the office if he proposes to recommend the grant of a compassionate allowance, should fill in the first page of the application for pension in Form 25 and send it to the Audit Officer concerned for report on the title to pension. The head of the office should not wait for an application from the officer.

(ii) If the competent authority in issuing orders of removal states that a certain proportion of the invalid pension is to be granted as compassionate allowance no further sanction to pension is necessary and all that is required is that the Audit Officer should certify to the admissibility of the pension on a pension application completed and signed by the head of the office as provided in (i) above.

[G.I.F.D No I 3 X R 1134 dated the 3rd May 1934 Paragraph 69 of the Punjab Manual]

(5) As a compassionate allowance is granted to an individual as an act of grace, the Government of India consider that the grant of any further concession in the shape of a condonation of deficiency would not be justified and they consider it undesirable therefore that sanctioning authorities should sanction condonation of deficiencies in such cases.

[G.I.F.D No F 4(6) R 1137 dated the 19th August 1937 Paragraph 29 of India Supplement]

**AUDITOR GENERAL'S ORDERS**

(1) The grant of the compassionate allowance subject to the maximum limits laid down in Art 353 C.S.R. is left to the discretion of Government and as such anticipatory payment cannot be sanctioned by the Accountant General in such cases.

[Ar. Genl's letter No 224 Admn 1/49 33 dated the 16th April 1935]

(2) A compassionate allowance is not 'a pension which is certified by the responsible Audit Officer to be clearly and strictly admissible under rule' within the meaning of Art 318 C.S.R. and therefore, the provisions of that Article are not applicable to such allowance. In respect of Government servants belonging to

the service under the rule-making control of the Governor General in Council, the power to grant compassionate allowance under Art. 433 C.S.R. is reserved to the Governor General in Council except in cases where the power is delegated to subordinate authorities by rules made under the Civil Services (Classification, Control and Appeal) Rules.

[Ar. Genl.'s letter No T. 907/141 36, dated the 9th September, 1936]

## AUDIT INSTRUCTION.

Compulsory retirement for misconduct is 'removal' for the purpose of a grant of compassionate gratuity under this Article.

[Para 6 (u) of Section III of the Manual of Audit Instructions]

### *Unfitness for Further Advancement*

353A. When an officer, belonging to one of the following services who is proved to be unfit for further advancement, is removed from service by the President on the recommendation of the Local Government and the Government of India, he may, with the sanction of the President, be granted a pension not usually exceeding, and not necessarily so great as, that which would have been admissible to the officer if he had been invalided on medical certificate. In making their recommendations in such cases, the Government of India and the Local Government will be guided by the circumstances of each case and are not debarred from proposing, if the circumstances justify it, a pension lower or (in exceptional cases) higher in amount than that which would be admissible to the officer if he was invalided on medical certificate :—

(a) The Indian Civil Service.

(b) The Indian Police Service.

## GOVERNMENT OF INDIA'S ORDER

The Government servants who are in receipt of pension under Art. 353A above may also be paid temporary increase in pension at the rates admissible to other pensioners given in Government of India's order below Art 474 C S R.

[G I M F No F 8(9) EV/55, dated the 3rd June, 1955]

### *Compulsory Retirement as a Penalty*

353AA. An officer compulsorily retired from service as a penalty may be granted by the authority competent to impose such penalty, pension at a rate not less than two-thirds and not more than full invalid pension and special additional pension, if any, admissible to him on the date of his compulsory retirement :

Provided that in the case of an officer mentioned in Article 349A, other than an officer mentioned in Article 474A (i) who has completed, before such compulsory retirement, 25 years of qualifying superior service or more, the pension shall be not less than two-thirds of the

invalid pension and not more than the full retiring pension and special additional pension, if any, to which he would have been entitled if he retired on that date :

Provided further, that in the case of an officer mentioned in Article 474A (1), who has rendered, before such compulsory retirement, 20 years of qualifying service or more, the pension shall be not less than two-thirds of the invalid pension and not more than full retiring or invalid pension and special additional pension, if any, whichever is less.

NOTE.—The provisions of this Article shall be deemed to have taken effect from the 9th May, 1956

## GOVERNMENT OF INDIA'S ORDER.

Art. 353AA above prescribes the limits for retirement benefits which would be admissible to an officer on whom the penalty of compulsory retirement may be imposed. This form of penalty has been introduced to provide for cases in which the continuance of a Government servant in service is considered to be undesirable but the extreme penalties of removal or dismissal, with the consequent loss of pension are considered to be too severe.

2. It is hereby made clear that the above Article applies also to those who are governed by the New Pension Rules as amended from time to time.

3. The intention is that persons on whom the penalty of compulsory retirement is imposed should ordinarily be granted the full invalid pension and death *cum* retirement gratuity or special additional pension, if any, admissible on the date of compulsory retirement. Where, however, the circumstances of a particular case so warrant, the authority competent to impose the penalty of compulsory retirement may make such reductions in the pensionary benefits, within the limits prescribed, as it may think appropriate. In the case of a person governed by the New Pension Rules a reduction may be made either in the death-*cum* retirement gratuity or in the pension or in both.

4. Where a person who has been granted pension dies within years of his compulsory retirement, and his family is entitled to a family pension, the family pension admissible will be half the amount of the pension actually sanctioned, subject to the usual maximum of Rs 150 per month. No reduction will be made in the amount of the residuary death gratuity, i.e., the amount by which the sums actually drawn by the officer concerned up to the time of his death by way of pension and/or gratuity fall short of his 12 months' emoluments.

[G I M F No. F. 7(22) EV/56, dated the 3rd June 1957]

### Claims of Widow

354. (a) It being the duty of every Government officer himself to provide for his family, the Government recognizes no claim by a widow on account of the services of her husband, and is almost

Invariably under the painful necessity of rejecting recommendations made in contravention of this rule.

(b) The submission of such recommendations, save under very extraordinary circumstances is disapproved, as calculated only to give rise to hopes which cannot be fulfilled.

NOTE 1.—[In a Despatch No 36 dated the 17th November, 1841, regarding the establishment of the Bengal Uncovenanted Services Family Pension Fund the Court of Directors observed —

"In referring to the causes which may have operated to keep back subscribers, the Directors advert to a reliance supposed to be placed on the special exercise of our bounty in favour of the families of deceased servants. Whether or not such reliance have any effect in discouraging subscriptions to the Fund it is most important to the interest of the families of our Uncovenanted Servants that it should not be indulged. In our Despatch dated the 16th October, 1839, No 31, we called your attention to the fact that the rules restricted the grant of pension to the family, or any member of the family, of a deceased servant, to cases where the servant shall have been killed in the exercise of his public duty or shall have died in consequence of wounds or accidents sustained therein except in special cases justifying extraordinary indulgence and which are of very rare occurrence. The belief, therefore, that the fact of the person dying in our service gives his family a claim to pensionary provision (if such belief exist), is a delusion which may be productive of very painful consequences, and which, for this reason we feel it an imperative duty to endeavour to dispel. We observe that the Committee of the Fund have taken some pains to make our view on the point generally known, and in thus acting, they have contributed not only to promote the interest of the Fund but to render valuable service to their brethren by disabusing their minds of a dangerous error."

NOTE 2.—[In a Despatch No 52 dated the 8th February 1870, the Secretary of State remarked that "grave objections exist to the grant of special pensions to families of Uncovenanted Servants, every such grant forming a precedent which is quoted in support of subsequent applications, with less claims to consideration].

## GOVERNMENT OF INDIA'S ORDER

### *Compassionate Gratuities*

(1) The Secretary of State has sanctioned the proposal that provision shall be made for the grant by the Government of India in exceptional cases of compassionate gratuities, to the families of Government servants left in indigent circumstances. The families of retired officers should not be regarded as wholly excluded from its benefits.

[G I F D Resolution No 752 P, dated the 10th February 1902 Paragraph 31 of India Supplement]

(2) No award from the Compassionate Fund will be made to families of Government servants who are eligible for a gratuity under the New Pension scheme.

[G I M F No F 3(63) EV/50 dated the 4th December 1950]

## AUDIT INSTRUCTION

### *Service in the Indian Army Reserve of Officers*

Service in the Indian Army Reserve of Officers counts towards pension (*vide* Government of India, Finance Department Notification No. 60A dated the 15th January, 1915, published in India Gazette, Part I, dated the 16th January, 1915, page 165). The award called 'gratuity' drawn by an officer on the termination of his service as an I.A.R.O. (in terms of Paragraph 166, Army Regulations, India, Volume I) is not a service gratuity in the real sense of the term. The payment of such a gratuity does not, therefore, debar a civil officer from counting towards pension the military service in respect of which it is earned.

[Paragraph 41 of India Supplement]

### Military Service

356. (a) Service rendered by an employee belonging to one of the classes mentioned in Note 2 below, after attaining the age of 18 years, which is pensionable under military rules but which terminates before a pension has been earned in respect of it, may, at the discretion of the Government of India or of the Provincial and Minor Local Governments specified in Parts I and II of Appendix I to these Regulations, be allowed to count, when followed by service qualifying for pension under civil rules, as part of such service, provided that any bonus or gratuity received in lieu of pension on, or since, discharge from military service shall be refunded in such number of monthly instalments, not normally exceeding 36 and beginning from such date, as in each case the Government of India, Provincial Government or Minor Local Government, as the case may be, may decide. Service so allowed to count shall, however, be restricted to service, within or outside the employee's unit or department, in India, or elsewhere, which has been paid for from Indian revenues or for which a pensionary contribution has been received by Indian revenues.

(b) Service pensionable under military rules which does not terminate before a pension has been earned in respect of it shall not be allowed to count for pension under civil rules without the sanction of the Secretary of State (President).

NOTE 1 — [An officer, ex soldier, ex sailor, or ex airman will not be brought under the operation of this Article as a matter of course. Each case will be decided on its merits *e.g.* there may be cases in which it may be open to a claimant for pension to add military service during the Great War to former non pensionable service in the Army in order to claim the benefit of a military pension. In such cases it may be to the advantage of the claimant that he should not be brought under the operation of this Article. The bearing of Paragraph 574 of the Pay and Allowance Regulations of the Army in India Part II, on the position of soldiers of the Indian Army who re-entered during the Great War deserves consideration in this connection.]

NOTE 2 — [This Article applies to commissioned officers, junior commissioned officers, warrant officers, non commissioned officers and other enrolled personnel of the Army, and the corresponding categories of the Navy and Air Force. It also applies to personnel of the Frontier Constabulary and Militias, non-combatant departmental and regimental employees and followers of the supplemental service and warrant officers and Departmental officers of the Commissioner and Assistant Surgeon Classes.]

**NOTE 3**—[To be eligible for the concession in this Article the individual concerned should take his discharge from the Army, Navy or Air Force within 12 months of the date of his confirmation in the appointment pensionable under civil rules. This limit may, in special cases be relaxed by the Government of India]

**NOTE 4**—[Employees in the Military Police have the option of counting service under any other rules in these Regulations which would give them a similar or more liberal concession]

**NOTE 5**—[Employees who were in service in an appointment pensionable under civil rules on the 22nd February, 1921, are eligible to count service under the rules which were in force before that date, where these rules are more advantageous to them]

**NOTE 6**—[A person permanently appointed to the Civil Police force or to a post in the Jails Department of an administration subordinate to the Governor General in Council who before such appointment has served in the reserve of the Indian Army, may, if his military service whether or not including service with the colours in addition to service in the reserve was pensionable under military rules but terminated before he had qualified for pension be permitted at the discretion of the head of the administration and subject to the provisions contained in this Article to count for civil pension the whole of his service with the colours if any and half of his service in the reserve]

## GOVERNMENT OF INDIA'S ORDERS

11

### *Counting of previous Military Service*

(1) (a) All previous military service with the colours and half of the reserve service rendered prior to reservist's appointment in the Civil Police of Administrations, directly under the Central Government, may be allowed to count towards civil pension under the condition laid down in Art. 356 C.S.R.

This decision has effect from the 21st October 1929

(G.I. Notification No. F 12 XVII R II 31, dated the 8th July, 1931)

(b) Non-commissioned officers are included in the term 'Soldiers' and are eligible for the concession

(c) Previous Military Service of non commissioned officers and men joining Police should be verified immediately on their confirmation in the Police

[Paragraph 73 of the Punjab Manual]

(2) When the Military Service of an officer is classified as Class IV under the provisions of Art. 357 C.S.R. so much of it as was rendered after attaining the age of 16 years may be allowed to count for the purpose of a civil pension under the provisions of Art. 356 C.S.R.

[Notification No. F/11 I R II/34 dated the 4th January 1934 Paragraph 74 of the Punjab Manual]

### *Classification of Military Service as Superior or class IV*

(3) The following principles should be adopted in the classification of Military Service counting for Civil pension as 'Superior' or 'Class IV'—

(a) Service as a sepoy or service in any equivalent or higher Combatant rank should be treated as 'Superior' and as a follower as "Class IV" whether such service is followed by "Superior" or "Class IV" Civil Service,

(b) Service rendered in *any other capacity* in an appointment under the Defence Department should be treated as "Superior" or "Class IV" according to the classification of any civil post carrying duties of a similar character, and

(c) Any doubtful cases should be referred to the Government of India

All Royal Indian Navy ratings are enrolled and are viewed as Combatants and their service as such will therefore be considered as 'Superior'

[Letter from the G I No F 11—(19) R II/36 dated the 15th July 1936-Paragraph 75 of the Punjab Manual]

(4) Correct procedure when dealing with cases relating to the counting of Military Service for civil pension, is as follows —

The extent to which service which is pensionable under the military rules may be allowed to count as part of subsequent civil service qualifying for pension under the civil rules should be determined in accordance with the provisions of Art 356 C S R, read with the rule in the Finance Department Notification P 11-11-1 R II 34 dated the 4th January, 1934 and the classification of such military service should be determined by the principles laid down in Art 357 C S R which are explained in order No 3 above. If the class of the service pensionable under the military rules as thus determined under Art 357 is different from the class of the subsequent civil service as determined under Art 396 C S R then Art 398 C S R should be applied for calculation of the amount of pension

[G I letter from F 11 I P II/34 dated the 16th January 1934 Paragraph 75 of the Punjab Manual]

(5) The service rendered by non commissioned officers and men of the British Service on the Indian Establishment with their units out of India with an Indian Expeditionary Force is to be treated as equivalent to Military service in India for purposes of counting for civil pension under Art 356 C S R

[G I F D No 334 C S R dated the 25th April 1922 Paragraph 77 of the Punjab Manual]

*Military service of British and Indian ex soldiers employed in the Police*

(6) The Secretary of State has decided that ex servicemen who were in the Indian Police on the 30th June 1917 or who joined that service before the 22nd February 1921, should be allowed to count all previous military service wherever rendered as qualifying for civil pension. He has agreed to extend the benefit of this concession with effect from the 30 July, 1934 and stated that the pensions of any of these which may have been calculated on a less favourable basis should be re-assessed the consequent increase in pension having effect from the date mentioned. Apart from members of the Indian Police the decision has been made applicable to the following —

- |      |   |   |   |   |
|------|---|---|---|---|
| (i)  | * | * | * | * |
| (ii) | * | * | * | * |

(iii) The Governor General in Council has also decided to

extend this concession to similar officers of the Police service under his rule making control, who retired or may retire on or after the 27th May, 1930

(iv) The change in respect of the enhanced pension shall fall on Provincial or Central Revenues as the case may be

[G I F D No 12/XXXIV R 11/33 dated the 27th June 1935 Paragraph 79 of the Punjab Manual]

NOTE 1.—The Chief Commissioner Ajmer Merwara has extended the above concessions to officers of the Subordinate Police service in Ajmer Merwara under his rule making control who were in Police service on 30th June 1917 or joined such service before the 22nd February 1921 and who retired or may retire on or after the 27th May 1930

[C.C Ajmer Merwara No 1403, dated the 17th August 1935 and No 1535/42 P/31 dated the 9th September 1935].

NOTE 2.—The Chief Commissioner Delhi has extended the above concession to officers of the subordinate Police service in Delhi under his rule-making control who retired or may retire on or after the 9th March 1926

[C.C Delhi No B 4 (112) 36 Home dated the 19th November 1936, Paragraph 47 of India Supplement]

*Military service of British and India ex soldiers employed in the Jail and Medical Departments*

(7) The Secretary of State in Council has decided that ex servicemen who were serving in the Jail and Medical Departments on the 26th March, 1920, or who joined these departments before the 22nd February, 1921, should be allowed, with effect from the 30th July 1934, the concession given to their confreres in the Police Department from this date of counting for civil pension military service not paid for from the Indian Revenues

The Governor General in Council has also extended this concession to similar officers of the Jail and Medical Departments who retired or may retire on or after the 27th May, 1930 The change in respect of the enhanced pension for military service not paid from Indian Revenue will fall on the revenues of the Government under which the officer may be re employed

[G I F D No P. 11 (2) R. 71/36 dated the 8th May, 1936, Paragraph 81 of the Punjab Manual]

*Date of birth of a military employee transferred to a Civil Department*

(8) When a military employee is transferred to a civil department and assumes a civil status the date of birth to be entered in his service book should be the date stated by him at the time of attestation

[G I F D No 1450 C S R., dated the 24th August, 1923 Paragraph 83 of the Punjab Manual]

(9) In cases in which the documents referring to the previous Military Service do not give the definite date of birth but only the age stated at the time of attestation the Government servant should be assumed to have completed the stated age on the date of attesta



(b) Service rendered in *any other capacity* in an appointment under the Defence Department should be treated as "Superior" or "Class IV" according to the classification of any civil post carrying duties of a similar character, and

(c) Any doubtful cases should be referred to the Government of India

All Royal Indian Navy ratings are enrolled and are viewed as Combatants and their service as such will therefore be considered as "Superior"

[Letter from the G I No F 11—(19) R II/36, dated the 15th July, 1936-Paragraph 75 of the Punjab Manual]

(4) Correct procedure when dealing with cases relating to the counting of Military Service for civil pension, is as follows :—

The extent to which service which is pensionable under the military rules may be allowed to count as part of subsequent civil service qualifying for pension under the civil rules should be determined in accordance with the provisions of Art. 356 C.S.R. read with the rule in the Finance Department Notification P 11-11-1 R-11-34 dated the 4th January, 1934 and the classification of such military service should be determined by the principles laid down in Art. 357 C.S.R. which are explained in order No 3 above. If the class of the service pensionable under the military rules as thus determined under Art. 357 is different from the class of the subsequent civil service as determined under Art. 396 C.S.R. then Art. 398 C.S.R. should be applied for calculation of the amount of pension

[G I letter from F 11 I P II/34, dated the 16th January, 1934, Paragraph 75 of the Punjab Manual]

(5) The service rendered by non commissioned officers and men of the British Service on the Indian Establishment with their units out of India with an Indian Expeditionary Force is to be treated as equivalent to Military service in India for purposes of counting for civil pension, under Art. 356 C.S.R.

[G I I D No 334 C.S.R., dated the 25th April 1922 Paragraph 77 of the Punjab Manual]

*Military service of British and Indian ex-soldiers employed in the Police*

(6) The Secretary of State has decided that ex-servicemen who were in the Indian Police on the 30th June 1917, or who joined that service before the 22nd February, 1921, should be allowed to count all previous military service, wherever rendered, as qualifying for civil pension. He has agreed to extend the benefit of this concession with effect from the 30 July, 1934, and stated that the pensions of any of these which may have been calculated on a less favourable basis should be re-assessed, the consequent increase in pension having effect from the date mentioned. Apart from members of the Indian Police the decision has been made applicable to the following :—

- (i) \* \* \* \*
- (ii) \* \* \* \*

(iii) The Governor General in Council has also decided to

under Art 356 C S R to allow military service interspersed between two periods of civil service to count for civil pension provided that the conditions laid down in that Article are otherwise fulfilled. The share of pension proportionate to military service in such cases will be borne by the Army Department.

It has further been decided that before orders are passed, in any case, the military service of the individual concerned and the amount of gratuity to be paid to him should be verified by reference to the Controllers of Military Accounts.

[G I Home Dept. No F 116134 Police dated the 28th June 1934, Paragraph 90 of the Punjab Manual]

*Police officers and men joining Indian Army Battalions count service for pension*

(13) Officers and men in the Police Department who joined the Battalions of the Indian Army have been allowed to count service rendered in that capacity as continuous service in the Police Department for purposes of pension.

[Secretary of State's telegram dated the 23rd January, 1919 Paragraph 92 of the Punjab Manual]

(14) Individuals who served in the Battalions created by recruitments from the Police Force may be considered to have been paid from the Military Estimates during the periods they served in the Military Department and the debit for the proportionate share of their pension will be accepted by the Military Department, if their military service is allowed to count for civil pension.

[C M A & P Lahore No I-9028 dated the 31st July, 1934 Paragraph 93 of the Punjab Manual].

(15) Members of the Police Battalions in Bihar Orissa the U P, and the East Punjab other than those who at the time of enlistment were already in the Police Department, who on demobilisation are appointed to the Police service on a permanent establishment should count their temporary service in Police Battalions towards pension in the Police service.

[Despatch from Secretary of State No 70 Public dated the 25th March, 1920 Paragraph 94 of the Punjab Manual]

*Service in Army Reserve*

(16) An officer of the Indian Army Reserve who receives a permanent invalid pension in respect of his military service, shall not be allowed to count such military service towards any civil pension for which he may be eligible.

[G I F D D 6409 Est. dated the 70th November 1927 India Supplement Paragraph 44]

(17) Service in Army Reserve is not pensionable under military rules except when the non commissioned officer or soldier concerned is recalled to the colours before taking his final discharge.

[G I F D No 6838 P dated the 28th October 1904 Paragraph 45 of India Supplement]

tion e.g., if an ex soldier was enrolled on the 1st January, 1910 and if on that date his age was stated to be 18 his date of birth should be taken as the 1st January, 1892

[G.I.F.D. No. F 6 (23) R. II/38 dated the 20th May 1938 Paragraph 84 of the Punjab Manual]

*Breaks between the periods of military and civil service*

(10) For the purposes of counting Military Service for pension under Art. 356 C.S.R., any breaks between the period of Military and Civil Service can be condoned by the Provincial and minor local Governments specified in Parts I and II of Appendix I to the C.S.R.

[G.I.F.D. No. F 269 C.S.R. 25 dated the 29th August 1925]

NOTE—The Government of India have decided that whenever an order is passed under Art. 356 C.S.R. allowing previous Military Service to count as part of the service qualifying for Civil Pension it should be taken as carrying with it condonation of breaks if any in the Military Service or the break if any in the Military Service and the civil service.

[G.I. Letter No. 12 XXXVI R. II/33 dated the 23rd December 1933 Paragraph 85 of the Punjab Manual]

*Pay and pension of officers placed on the unemployed list under Army Instruction (India) No. 82 of 1934 when re-employed*

(11) The Government of India have decided with the approval of the Secretary of State that officers who are placed on the unemployed list under Army Instructions (India), No. 82 of 1934, and who obtain further employment under any Government or administration will continue to enjoy their unemployed pay in full irrespective of the pay of their new employment subject to the provision of Art. 526 (a) C.S.R. according to which the Government or administration re-employing them can take their unemployed pay into consideration in fixing the pay of their new appointments.

As the period spent on the unemployed list counts for Military pension under paragraph 4 (d) (i) of the Army Instructions (India) No. 82 of 1934 re-employed officers will not count such service in civil employment for a separate civil pension.

In the event of the Civil Government or Administration under whom the officer is employed agreeing to grant a civil pension (based on the new (civil) service combined with the old—the whole counting as one service—the share of the pension chargeable to the Defence Services Estimate will be represented by the actual amount of pension earned by the officer for his Military service under Army Instruction No. 82 of 1934 subject to a maximum of £ 640 per annum (less cost of living cut).

[G.I. Army Dept. No. 08375 M.S. 3) dated the 9th July 1935 Paragraph 89 c. the Punjab Manual]

*Counting for civil pension of Military Service interspersed between two periods of civil service*

(12) The Government of India have ruled that it is permissible

tion e.g., if an ex soldier was enrolled on the 1st January, 1910 and if on that date his age was stated to be 18 his date of birth should be taken as the 1st January, 1892

[G I F D No. F 6 (23) R. II/38 dated the 20th May 1938 Paragraph 84 of the Punjab Manual]

*Breaks between the periods of military and civil service*

(10) For the purposes of counting Military Service for pension under Art 356 C S R, any breaks between the period of Military and Civil Service can be condoned by the Provincial and minor local Governments specified in Parts I and II of Appendix II to the C S R

[G I F D No I 269 C.S R 25 dated the 29th August 1925]

NOTE —The Government of India have decided that whenever an order is passed under Art. 356 C S R allowing previous Military Service to count as part of the service qualifying for Civil Pension it should be taken as carrying with it condonation of breaks if any in the Military Service or the break if any in the Military Service and the civil service

[G I Letter No 12 XXXVI R II/33 dated the 23rd December 1933 Paragraph 85 of the Punjab Manual]

*Pay and pension of officers placed on the unemployed list under Army Instruction (India) No 82 of 1934 when re employed*

(11) The Government of India have decided with the approval of the Secretary of State that officers who are placed on the unemployed list under Army Instructions (India), No 82 of 1934, and who obtain further employment under any Government or administration will continue to enjoy their unemployed pay in full irrespective of the pay of their new employment subject to the provision of Art 526 (a) C S R according to which the Government or administration re-employing them can take their un-employed pay into consideration in fixing the pay of their new appointments

As the period spent on the unemployed list counts for Military pension under paragraph 4 (d) (i) of the Army Instructions (India) No 82 of 1934 re employed officers will not count such service in civil employment for a separate civil pension

In the event of the Civil Government or Administration under whom the officer is employed agreeing to grant a civil pension based on the new (civil) service combined with the old—the whole counting as one service—the share of the pension chargeable to the Defence Services Estimate will be represented by the actual amount of pension earned by the officer for his Military service under Army Instruction No 82 of 1934, subject to a maximum of £ 640 per annum (less cost of living cut)

[C I Army Dept No 08375 M S 3) dated the 9th July 1935 Paragraph 89 c the Punjab Manual]

*Counting for civil pension of Military Service interspersed between two periods of civil service*

(12) The Government of India have ruled that it is permissible

(23) Previous military service of ex soldiers serving in the Police Department will be verified by reference to the Military Accounts Department

[G I H D dated No 100/II/33 Police the 28th April, 1933 Paragraph 49 of India Supplement ]

*The refund of Gratuities in lieu of Pension*

(24) The Government of India have observed that war gratuity or bonus is quite distinct from a service gratuity that is a gratuity granted in lieu of pension and that the former is never mentioned in discharge certificates. At present no entry is required in those certificates showing the amount of gratuity granted but it often happens that such an entry is made and in such cases the entry refers to 'service gratuity' as distinct from 'war gratuity'. It should be ascertained from the Officer Commanding the unit from which the ex soldier has been discharged whether the latter has been granted a service gratuity or not, this course should be followed in all cases in which the discharge certificate contains no entry of the grant of a gratuity. In the absence of any of the grant of a gratuity. In the absence of any proof to the contrary the gratuity if admissible under the rules should be assumed to have been paid.

[G I H D No F 116/11/25 Police dated the 24th March 1926 and G I F and P No F 11(15) E/32 dated the 14th December 1932 India Supplement Paragraph 54 ]

(25) The gratuity once refunded under Art 356 CSR in order to secure the benefit of counting former military service for civil pension should not be paid back in any circumstances.

[G I F D U O No 5091 F/39 dated the 17th August 1939, India Supplement Paragraph 55 ]

(26) Where, on discharge from the military service an officer has received a gratuity for combined Home and Indian Service a proportionate gratuity in respect of the Indian Military Service only which will ordinarily be allowed to count for a civil pension should be refunded.

[G I F D No D 4413/R II dated the 28th November, 1927, Paragraph 56 of the India Supplement ]

*No effect of Liberalised Pension Rules*

<sup>1</sup>(27) The Liberalised Pension Rules do not affect the rule relating to the counting of military service towards the civil pension and whatever military service could be reckoned under Art 356 CSR continues to be reckoned to the same extent and in the same manner. The position thus is that for the purposes of calculating the total service qualifying for pension, the qualifying military service would be added and then the quantum of retirement benefit would be determined by referring to the Rules (Liberalised or Old Rules) applicable to the Government servant concerned.

~ [G I M F No F 13 (12) EV/52 dated the 25th October 1954 ]

*Previous military service includes service in Navy and Air Force*

(28) Doubts have been expressed in certain quarters with

357 For the purpose of the foregoing Article, service as private or in any higher combatant rank shall be treated as superior if followed by superior service in an appointment pensionable under civil rules. In other cases military service shall be treated as superior or inferior according to the character of the appointment in which it was rendered, and with reference to the criteria observed in an appointment pensionable under civil rules. Doubtful cases should be referred to the Government of India who enjoy full powers in the matter.

*Government of India's orders* See Government of India's orders Nos (2) and (3) below Article 356

357A Civil employees (other than those governed by Article 357B who, prior to their civil employment have rendered satisfactory paid service between 4th August, 1914 and 31st August, 1921 in his Majesty's Military, Naval or Air Forces, British or India, which did not earn a service pension under the Military, Naval or Air Force Rules, shall be allowed to count such military service including all kind of leave on full rates of pay and sick leave for the purpose of civil pension subject to the observance of the following general principles —

- (1) Completed years of military service shall be allowed to count up to a maximum of four years
- (2) In the case of services in which a minimum age is fixed for recruitment no military service rendered below that age shall be allowed to count for pension
- (3) The addition of war service shall not be included in total service under Article 408 for the purpose of counting leave as service for pension nor allowed in addition to the concession in Article 404A but any Government servant who may be entitled to the concessions admissible under the latter Articles and to the concession in this Article, will be allowed to select whichever is more favourable
- (4) British and Indian military service shall be allowed to count alike for pension and no contribution towards or share of, a pension earned as a result of this concession shall be claimed from the Home Government
- (5) No refund of military bonus or gratuity shall be demanded from the employee

## GOVERNMENT OF INDIA'S ORDERS

### *Interpretation of Art 357A*

(1) Service qualifying for pension under the Military rules but terminated before a pension is earned in respect of it may reckon, when followed by service qualifying for civil pension as part of such service

[G I F D No F 12—XXXI R II/33 dated the 27th September 1933, Paragraph 95 of the Punjab Manual]

(2) The Government of India have decided that in the case of services in which no minimum age is fixed for recruitment, the rule

regard to the scope of Art 356 C.S.R. which governs the counting of previous military service for civil pension subject to certain conditions, when such service is followed by service qualifying for pension under the civil rules. It is clarified that the expression 'service which is pensionable under military rules' and other similar expressions occurring in the aforesaid Article cover also service rendered in the Indian Royal Navy and the Indian/Royal Air Force. The notes below the said Article should also be construed accordingly.

[G I M F No 11 (7) EV/58, dated the 12th May, 1958]

## AUDITOR GENERAL'S ORDERS

(1) It has been decided by the Military Accountant General that in cases in which satisfactory evidence is adduced to establish the fact of an individual having rendered military service, but in which the evidence does not contain anything specific to indicate that the service, or part of it, did not include any non qualifying period and in which attempts to obtain collateral evidence on this point failed, a definite certificate should be furnished to the Civil Department by the Controllers of Military Accounts for so much of the service as can be certified to be qualifying. In respect of the period or periods of service that cannot be so certified, such information regarding this period/these periods of service as possible, including a brief precis of the efforts made to obtain evidence, should be furnished so as to enable the sanctioning authority to decide whether such service should not be sanctioned to count for pension.

[M A G's letter No 5916-AT/D dated the 19th May, 1939 received with Auditor General's endorsement No T 368/Admn 1/4 39, dated the 14th June, 1939, Paragraph 91 of the Punjab Manual]

(2) The Auditor General has decided that Note 6 below Article 356 C.S.R. does not permit the counting for civil pension of a period of military service rendered outside India by officers attached to British Units.

[Ar Genl's letter No T 314 A/60 29, dated the 16th May, 1929, Paragraph 78 of the Punjab Manual]

(3) Under Note 5 below Art 356 read with exception (6) of the old Art it is not necessary that a Government servant who received a gratuity on discharge from military service should refund that gratuity in order to count towards civil pension the period of military service for which it was paid.

[Ar Genl's endt No 11 A/79 28, dated the 16th January, 1929, Paragraph 42 of the India Supplement]

(4) Civil Accounts Officers should in future watch the regular recovery of gratuities refunded under Art 356 C.S.R. by ex-soldiers on re employment in the Civil Department and pass on the credits for the amounts thus recovered to the Controller, Military Accounts, concerned.

[Ar Genl's letter No T 51 Admn 1/66 33, dated the 25th April, 1933 Paragraph 87 of the Punjab Manual]

under Art 356, the whole of it will count, but if under Art 357A, only completed years up to a maximum of 4 years and in the latter case the residue of war service cannot then be counted under Art 356

2 If the entire military service including war service is dealt with under Art 356 C S R the whole of the gratuity received in lieu of pension (but not that portion given as a reward for war service) will have to be refunded by the officer concerned. If however, the portion of war service is dealt with under Art 357A C S R and the rest of the military service before or after the war, under Art 356 *ibid*, the amount of gratuity which the officer will refund in respect of the latter portion should bear the same proportion to the total amount of gratuity received in lieu of pension as the period dealt with under Art 356 bears to the total period of military service including the period of war service

3 For the purposes of the instructions contained in this paragraph it is immaterial whether or not there was a break between the war service and other military service

These orders apply only to civil employees who have retired or may retire on or after the 28th May, 1929

[G I F D No F 11 (24) R II/35 dated the 3rd October 1935 Paragraph 100 of the Punjab Manual]

(b) Military Service rendered during the Great War *i.e.* war service, may be classified into two categories —

(i) Where the war service has been rendered in addition to other military service pensionable under the Military rules and rendered before or after such war service, and

(ii) Where the war service stands alone *i.e.* where no military service has been rendered except service during the War periods, *viz.*, the 4th August 1914 to the 31st August, 1921

In regard to war service falling in category (i) above G I F D letter No F 11(24) R II/35 dated the 3rd October 1935 (No 5 above), applies and the Government servant concerned is permitted to count his war service (*i.e.* the portion of service rendered between the 4th August 1914 to the 31st August 1921) for civil pension either under Art 356 C S R, or under Art 357A C S R whichever may be more advantageous to him subject, of course, to the limitations prescribed in the respective articles

In regard to war service falling in category (ii) above, the position is different. In such cases the Government servant has no option and such war service must be counted under Art 357A only subject to the limitations prescribed in that Article

In other words the position is that ordinarily war service should be counted if admissible under Art 357A, C.S.R., only, but in cases where the war service has been rendered in addition to other military service pensionable under the Military rules 'either



in Art 357A C.S R should be interpreted as follows —

- (a) War service rendered after the age of 20 years should be allowed to count for Civil Pension on the superior scale if the war service was superior ;
- (b) War service rendered after the age of 16 should be allowed to count for Civil Pension on the Class IV service scale, if the war service was Class IV , and
- (c) War service of the Superior Category rendered at any age should be allowed to count for compensation gratuity on the superior scale

[G I F D No F 12—XVI R II/33 dated the 24 August 1933, Paragraph 96 of the Punjab Manual ]

(3) The Government of India with the concurrence of the Auditor General have held that the words 'which does not ordinarily qualify for a service pension under Military Rules' in Art 357A, include "service which did not qualify for a service pension and that, therefore, a civil employee to whom the provision of Art 357A *ibid* apply, who enlisted for service during the Great War, and who left the Army on demobilisation at the end of that war, is entitled, subject to the conditions in the Article, to count such military service for civil pension irrespective of whether it was permissible or not under the military rules. Such title is of course subject to the proviso that a military pension had not as matter of fact been earned in respect of it in conjunction with other military service rendered before or after the Great War *c f* in this connection Note 1 under Art 356 *ibid*

[G I F D letter No F 11—XV R II/34 dated the 6th September 1934 Paragraph 97 of the Punjab Manual ]

#### *Military service in the Great War for Civil Pensions*

(4) The Government of India in consultation with the Auditor General have ruled that the words "Civil employment" in Art 357A C.S R should be regarded as including 'Civil re employment'

[G I F D No F 11 (4) R II/35 dated the 15th February, 1935 Paragraph 98 of the Punjab Manual ]

#### *Counting of Military Service for Civil Pension*

(5) A question having arisen as to what course should be adopted in the case of a civil employee who has rendered satisfactory paid military service in the Great War in addition to military service pensionable under the Military Rules before or after such war service but who did not earn a pension by his war service in conjunction with his other military service the Government of India have decided that that portion of the military service which was rendered before or after the war service should be dealt with in accordance with the provision of Art 356 C.S R and the war service portion *i.e.*, the period of service between the 4th August, 1914 to the 31st August, 1921 should be dealt under Art 356 or 357A C.S R, whichever may be advantageous to the officer, subject, of course, to the limitations prescribed in these articles. If the war service is counted

pension under the Premature Retirement Rules) provided that the officers who are entitled under the present rule to count more service than they would be able to count under new rules should not be adversely affected. The new rule should be applied with full back effect to any officer who has been invalided and who would benefit thereby.

[Secretary of State's despatch No 15 Finl, dated the 20th June, 1929]

NOTE 1—The above orders are applicable to surplus Indian Army Officers recruited to the I C S

NOTE 2—The Government of India have decided that as an alternative to any concession to which surplus Indian Army Officers appointed to the I C S, and to other Civil Services (except the Indian Police) might be entitled under the above orders they should be allowed to count as active and total service for Superannuation and Invalid pension all actual service in the Indian Army (*i.e.* excluding service in the British Army which would have counted for Indian Army Pension) rendered after the minimum age for admission to the particular service concerned, subject to a maximum of 4 years in all. Army Service which under the above orders can count for other forms of Pension, should be allowed to count also towards Proportionate Pension in the case of retirement after the inauguration of the new Constitution

[G I Home Dept., No F 530/29, dated the 20th December, 1933, Paragraph 103 of the Punjab Manual]

*Interpretation of the expression "the minimum age of appointment for the purpose of counting war service towards civil Pension"*

(10) For the purpose of the war service concessions the minimum age for appointment to I F S should be considered to be 21 years but that a Forest Officer should be entitled to the benefits of the orders contained in the Resolution of the late Department of Revenue and Agriculture No 957, dated the 11th June 1920, if more favourable to him

2 The minimum age in the case of officers of the other Superior Services for which a period of probation is prescribed before final appointment should be similarly calculated

*Explanation*—The minimum age of appointment to the I F S of officers not recruited under the special conditions that obtained immediately after the War was 19 years. After selection as a probationer there was a probationary period which extended ordinarily to 2 years. It has been decided that in their case an addition equal to the normal period of probation should be added to the minimum age for selection as a probationer to arrive at the minimum age for appointment

[Indian Office No F 3548/35, dated the 18th July, 1935]

NOTE—Only completed years of war service rendered after attaining the age of 20 years would count for pension

[G I F D No F 11 (17) B II/36, dated the 3rd July, 1936 Paragraph 106 of the Punjab Manual]

*Counting of Military Service for Civil Pension of civil officers of the Indian Army Reserve of Officers granted Civil Volunteer terms*

before or after the War, and in such cases only, the Government servant concerned is given the option to count, if it is more advantageous to him, his war service under Art 356 C S R, if otherwise admissible

[G I F D No F 11 (37) R II/38 dated the 9th January, 1939, Paragraph 100 (Explanation) of the Punjab Manual ]

*Condonation of a break between two periods of War Service*

(7) Two or more periods of war service rendered between the 4th August, 1914 and the 31st August, 1921 can be added together and the total service counted towards civil pension, subject to the conditions of Article 357A C S R without any need for condoning the break between these periods

[G I F D No F 11 (28) R II/36, dated the 24th September 1936 Paragraph 101 of the Punjab Manual ]

*Counting of war services towards pension in the case of postwar recruits to the All India Services other than the I C S*

(8) The Secretary of State has ordered that in the case of the Superior Services other than the I C S, years of war service rendered after attainment of the minimum age of appointment fixed for that service should count, up to a maximum of 4 years, as service for civil pension of all kinds (other than a pension under the Premature Retirement rules) as though the period of such war service has been rendered in the Civil Department. The members of the I P S other than those who were specially recruited in 1923, and whose names are given in Lord Oliver's Services and General despatch No 1, dated the 8th May 1924 who are entitled under the present rules to count more service than under these orders shall not be adversely affected. Members of the Geological Survey and the Indian Veterinary Service in which no minimum age of appointment was fixed should retain the pension concession in respect of war services with which they are at present credited. For the purpose of these orders only completed years of war service shall count. The minimum age of appointment to the Indian Audit and Accounts Service shall be 22 years

[Despatch No 8—Finl dated the 8th March 1928 ]

NOTE—War service which is allowed to count towards the pension of post war 'Service' recruits to the Indian Services should not be included in total service for the purposes of Art 408 C S R in the case of any service

[Secretary of State's despatch No F 5002—29 Finl., dated the 10th September 1929 Paragraph 102 of the Punjab Manual ]

*Counting of war service towards pension in the case of 'service' recruits to the I C S*

(9) The Secretary of States has sanctioned—(1) that in the case of I C S recruits as in the case of the other All India Services completed years of war service rendered after attaining the minimum age of appointment (*i.e.* the age of 23) should count up to a maximum of 4 years as active service for civil pension of all kinds (except a

nature of a reward for military services rendered. It was not in lieu of a pension, as service in the Indian Army Reserve of Officers was not pensionable under Military rules.

[Government of India, Army Dept letter No. A 39837 2 (A G 14), dated the 11th March 1927, Paragraph 114 of the Punjab Manual]

(14) Indian Army reservists who, before they earned a pension under Military rules for their military service, are permanently appointed to posts in the Jail Department under the Central Government, and are discharged from the Army, at the discretion of the head of administration subject to the provisions contained in Art 356 G.S.R. should be allowed to count for civil pension all military service with the colours and half of their reserve service

Also see No. 1 under Art 356

[G.I.F.D. No. F 12-XXXIII R II/33 dated the 11th October, 1933, Paragraph 116 of the Punjab Manual]

*Interpretation of the words, 'Active War Service'*

(15) The Secretary of State for India had decided that the terms "active war service" shall for the purpose of paragraph 7 of the India Office Memorandum No J and P 5740 21, dated January 1922, include any whole-time enlisted or commissioned service between the 4th August, 1914 and the 31st August, 1921, the official dates of beginning and end of the War

[G.I. Home Dept No. F 218/23 Ests. dated the 5th July, 1933 Paragraph 117 of the Punjab Manual]

*Grant of concession to "war service" candidates appointed to civil posts on a permanent basis*

(16) It has been decided that persons who have rendered "War service" as members of His Majesty's Forces and have been appointed or are deemed to have been appointed permanently to war-reserved vacancies or to other vacancies which arose before the 1st January, 1948 shall, subject to the general principles laid down in Art 357A and 357B of the G.S.R., be allowed to count the completed years of their satisfactory whole-time service in His Majesty's Forces rendered between the 3rd September, 1939 (or the date of their attaining the minimum age of entry into the service or post to which they are appointed on a permanent basis whichever is later) and the 1st April, 1946, for purpose of civil pension up to a minimum of five years

[G.I.M.H.A. No. D 9575/50 C.S., dated the 29th November, 1950, India Supplement Paragraph 64]

*Application of this Article*

(17) G.I. order No. 3 under this Article applies to cases where the entire military service of an officer is rendered during the Great War (i.e. between 4-8 1914 to 31-8 1921). Where war service is rendered in conjunction with other military service which is

(11) His Majesty's Secretary of State has decided that a civil officer of Government who was granted civil volunteer terms while serving in the Indian Army Reserve of Officers, during the Great War and who, after having been invalided from military service, was able to return to his civil employment, will be allowed the option of —

- (i) being treated, as regards military pension, as a temporary officer, in which case his military service will count for civil pension under civil rules, or
- (ii) being treated as regards military pension, as an officer of the regular army in which case his military service will not so count

2 A civil officer serving under the terms referred to in the previous paragraph who is invalided both from military service and from his civil appointment on account of a disability incurred as a result of his military service will be allowed to draw the military pension admissible to a regular military officer and also to count the period of his military service for civil pension. This decision has effect from the 3rd February 1925 and any consequential adjustments should be made from that date only

3 In the case of a member of the ICS who elects to be treated for purposes of military as an officer of the regular army and where military service will not therefore count for civil pension, the 4 per cent annuity contributions paid by him during the period of his military service shall be refunded to him

4 Any amounts drawn by officers prior to the 20th August, 1925 in the case of those who are affected by the order in paragraph 1 above and prior to the 3rd February, 1925 in the case of those to whom the decision in paragraph 2 applies which, as a result of those order may be classed as overdrawals, will be written off as a charge against the state

[G I Home Dept Resolution No F 371 23 Ests, dated the 17th December 1925 Paragraphs 109 to 112 of the Punjab Manual]

(12) All civil officers of Government, who were permitted to join the Indian Army Reserve of Officers under the terms of Army Department Notification No 60 A dated the 15th January, 1905 and who were invalided from the Reserve as a result of their service with it are allowed to count that service as service for pension under civil rules without prejudice to their eligibility for military pensions as for regular officers of the Indian Army under the above Notification and Indian Army Order No 539 dated the 5th October, 1914 relating to service during the Great War in the Indian Army Reserve of Officers. ~~The above orders have effect from the 4th August, 1914~~

[G I F D No F 15 XXXIV R II/29 dated the 23rd January, 1930 Paragraph 113 of the Punjab Manual]

(13) The grant of gratuity to Government civil servants holding Commissions in the Indian Army Reserve of Officers was in the

appointment as indicated in the Schedule below, and subject to a maximum period in all of four years but the gratuity, if any, received by them under that Royal Warrant shall be refunded to Government

NOTE 2 —Officers of the Indian Army retired as surplus under the terms of the Royal Warrant of the 25th April 1922, appointed to the Indian Police may count all service pensionable under Indian Army Regulations towards Civil pension but the gratuity, if any, received by them under that Royal Warrant shall be refunded to Government

NOTE 3 —Members of the Indian Police (other than those appointed to the service under the special Regulations of the 21st February, 1923 and surplus officers of the Indian Army) are entitled to the concessions below if more favourable to them than the concession in this Article —

Age of candidate on 1st August preceding the date of reporting for duty in India	Period of war service including sick leave allowed to count for retiring and invalid pension
under 22 years	Nil
22 years and under 23 years	up to 1 year
23 years and under 24 years	up to 2 years
24 years and under 25 years	up to 3 years
25 years and over	up to 4 years

NOTE 4 —D F Keegan of the Imperial Customs Service shall count as service towards invalid and retiring pension in the Customs Service his total pensionable Army Service subject to his refunding the gratuity paid to him under the terms of the Royal Warrant of the 25th April 1922 less an amount equal to the allowance he would have drawn between the date of drawing the gratuity and the date from which he began to draw pay in the Customs Department

NOTE 5 —Members of the Indian Forest Service and Indian Forest Engineering Service including those transferred to the Indian Service of Engineers shall be entitled to the concession in this Article or to the following concession whichever is more favourable —

Officers retiring after 20 and less than 25 years' service shall count for pension completed years of war service rendered after attaining the age of 20 including sick leave taken during that service up to maximum of two years and those retiring after 25 years' service up to a maximum of three years

NOTE 6 —Service added under this Article as well as under Notes 2, 3 and 5 shall count towards the limit of 28 years' qualifying service prescribed in Article 475A(7)

### SCHEDULE

Service	Minimum Age
Indian Police	19 years
Indian Agricultural Service	23 "
Indian Educational Service	23 "
Indian Forest Service	21 "
Indian Forest Engineering Service	21 "
Indian Service of Engineers	21 years, 22 years in the case of officers recruited during the years 1919, 1923, except officers of the Indian Forest Engineering Service transferred to Indian Service of Engineers whose minimum age of appointment will be 21 years
Indian Veterinary Service	Nil
Indian Audit and Accounts Service	22 years
Imperial Customs Service	22 "
Superior Telegraph Engineering and Wireless Branches of the Posts and Telegraphs Department	22 "

pensionable under military rules but is too short to earn a military pension G I order No 5 under this Article will apply

[G I F D No F 11(9) R 11/36 dated the 28th May, 1936]

### AUDITORS GENERAL'S ORDERS

(1) Service paid from Army or Marine or Air Force Funds even though it qualifies for pension under the C S R, is not civil employ within the meaning of the Home Department Resolution of 1921

[Ar Genl's letter No 1071 A/184 22, dated the 27th October 1923 Paragraph 108 of the Punjab Manual]

(2) All periods of service rendered between 4-8-1914 to 31-8-1921 in his Majesty's Military, Naval or Air Force count for civil pension subject to the provisions of Article 357A, C.S.R., irrespective of whether such service was rendered before or after the armistice and whether it was continuous or not

[Ar Genl's letter No 340 A/182 38 dated the 22nd July 1938]

**\*357B** Members of the services specified in the Schedule below, who prior to their civil employment, have rendered whole-time enlisted or commissioned service between 4th August 1914 and 31st August 1921 in His Majesty's Military, Naval or Air Forces British or Indian which did not earn a service pension under the Military, Naval or Air Force Rules may count such service, including all kinds of leave on full rates of pay and sick leave taken during such service, for civil pension of all kinds subject to the following conditions —

- (1) Completed years of service rendered after the attainment of the minimum age mentioned in the Schedule to this Article shall be allowed to count up to a maximum of four years
- (2) The addition so made shall not be included in total service under Article 408 for the purpose of counting leave as service qualifying for pension nor be allowed in addition to the concession in Article 404A but an officer who may be entitled to the concession admissible under Article 404A and to that provided in this Article shall be allowed whichever concession is the more favourable to him
- (3) Save as stated in Notes 1, 2, and 4 no refund of bonus or gratuity received in respect of such service shall be required from officer

**NOTE 1** — Officer of the Indian Army retired as surplus under the terms of the Royal Warrant of the 25th April, 1922 appointed to any of the services named in the Schedule (except the Indian Police) shall be entitled to the concession in this Article or to the following concession whichever is more favourable —

They shall be allowed to count as service qualifying for superannuation, retiring and invalid pens on all service in the Indian Army (excluding service in the British Army which would have counted for Indian Army Pension) rendered after attaining the minimum age of

in the Schedule shall be entitled to the concession in this Article or to the following concession whichever is more favourable —

They shall be allowed to count as service qualifying for superannuation, retiring and invalid pension, all service in the Indian Army (excluding service in the British Army which would have counted for India Army Pension) rendered after attaining the minimum age of appointment as indicated in the Schedule below and subject to a maximum period in all of four years but the gratuity, if any, received by them under that Royal Warrant shall be refunded to Government

NOTE 2.—Service added under this Article shall count towards the limit of 28 years qualifying service prescribed in Article 475A (7).

#### SCHEDULE

<i>Service</i>	<i>Minimum age</i>
Indian Audit and Accounts Service	22 years
Imperial Customs Service	22 "
Superior Telegraph Engineering and Wireless Branches of the & Posts Telegraphs Department	22 years
Geological Survey of India (Class I)	Nil
Mines Department (Class I)	25 years
Bengal Pilot Service	18 years

357 C. Civil employees other than those governed by Article 357 D, who, prior to their civil appointment against war-reserved and other permanent vacancies which arose for direct recruitment before 1st January 1948, had rendered satisfactory paid whole-time enlisted or commissioned 'war service' between 3rd September, 1939 and 1st April, 1946, in the Armed Forces of India or similar forces of a Commonwealth country which did not earn a service pension under the Military, Naval or Air Force Rules shall be allowed to count such 'war service' including all kinds of leave on full rates of pay and sick leave taken during such service, for the purpose of civil pension subject to the following conditions :—

- (1) Completed years of the said 'war service' shall be allowed to count up to a maximum of five years.
- (2) In the case of Services/Posts in which a minimum age is fixed for recruitment no 'war service' rendered below that age shall be allowed to count for pension, and in the case of Services/Posts in which no minimum age is fixed, no portion of 'war service' rendered before attaining the age of 20 or 18 as the case may be according as the Services/Posts are Classes I to III or Class IV shall be allowed to count for pension.
- (3) The addition of 'war service' shall not be included in total service under Article 408 of these Regulations for the purpose of counting leave as service for pension.
- (4) 'War service' rendered in the Armed Forces of India and rendered in similar Forces of a Commonwealth country shall be allowed to count alike for pension; no contribution towards, or, share of, a pension earned as a result of this concession being claimed from the foreign Government concerned.



Geological Survey of India (Class I)	Nil
Mines Department (Class I)	25 years
European Gardeners Service	Nil
Indian Railway Service of Engineers	22 years
Bengal Pilot Service	18 years
Superior Service of Military Accounts Department	22 years

### AUDITOR GENERAL'S ORDER

The Auditor General has decided with the concurrence of the Government of India that this Article was introduced solely with the object of making a compendium in one rule of all pre existing orders on the subject of counting of military service rendered in last Great War towards civil pension and consequently it did not introduce any new condition. An investigation into the quality of the war service already admitted in audit with reference to the several orders then existing should not, therefore be made now. A check of the quantity of that service should also similarly be dispensed with unless there is reason for believing that entries in the 'History of Services' have been incorrectly made from the data collected in 1919—23 period. Even so those entries should not now be changed except with the concurrence of the Government concerned (Paragraph 118 of the Punjab Manual)

[Ar Genl's letter No 604 A/215 43 dated the 19th November, 1943]

\*357B Members of the services specified in the Schedule below, who, prior to their civil employment, have rendered whole time enlisted or commissioned service between 4th August, 1914, and 31st August, 1921, in His Majesty's Military, Naval or Air Forces, British or Indian, which did not earn a service pension under the Military, Naval or Air Force Rules, may count such service, including all kinds of leave on full rates of pay and sick leave taken during such service, for civil pension of all kinds subject to following conditions —

- (1) Completed years of service rendered after the attainment of the minimum age mentioned in the Schedule to this Article shall be allowed to count up to a maximum of four years
- (2) The addition so made shall not be included in total service under Article 408 for the purpose of counting leave as service qualifying for pension, nor be allowed in addition to the concession in Article 404A but an officer who may be entitled to the concession admissible under Article 404A and to that provided in this Article, shall be allowed whichever concession is more favourable to him
- (3) Save as stated in Note I, no refund of bonus or gratuity received in respect of such service shall be required from the officer

NOTE I — Officers of the Indian Army retired as surplus under the terms of the Royal Warrant of the 25th April 1922 appointed to any of the services named

\* This Article relates to services under the control of the Governor General in Council and takes effect from the 24th February 1938

## SCHEDULE

<i>Service, or post</i>	<i>Minimum Age</i>
Indian Audit & Accounts Service	21 years.
Indian Customs Service	21
Indian Defence Accounts Service	21
Assistant Master, Indian Security Press	24
Assistant Master Indian Government Mint	24
Indian Income Tax Service	21
Editor India Speaks	24
Indian Meteorological Service	23
Assistant Electrical & Mechanical Civil Aviation Department	25
Senior Aircraft Inspector Civil Aviation Department	30
Aircraft Inspector, Civil Aviation Department	28
Research Officer, Pathology, (Poultry Research Section) Indian Veterinary Research Institute, Izatnagar	25 "

NOTE.—The maximum limit of five years mentioned in Article 357 C and 357 D shall not apply to the war service followed by civil service without break which is allowed to be counted in full towards civil pension in the case of persons who retire or die on or after the 22nd April 1960

[G I M F Notification No F 3(3) EV/A 61 dated the 22nd February, 1961]

## GOVERNMENT OF INDIA'S ORDERS

*Counting of war service of "War Service" candidates*

(1) A question has been raised whether and if so, to what extent 'war service' rendered during the last war, by itself, or in conjunction with other military service should be allowed to count towards civil pension in respect of 'war service' candidates appointed permanently to civil posts against vacancies arising after the 31st December 1947. The Government of India have decided that such service may also be allowed to count towards civil pension to the extent of one half. If, however, whole or any portion of such service satisfies the conditions laid down in Art 356 C S R, that portion of the service may be allowed to count in full towards civil pension, subject to the provisions of that Article. The grant of the concession is also subject to the following conditions, namely —

- (i) The officer concerned should not have earned a pension under the Military rules in respect of the service in question,
- (ii) In the case of services or posts in respect of which a minimum age is fixed for recruitment, no military or war service rendered below that age shall be allowed to count for pension,
- (iii) 'War service' rendered in the Armed Forces of India and rendered in similar Forces of a Commonwealth country shall be allowed to count alike for pension and no contribution towards or a share of pension earned as a result of this concession shall be claimed from the foreign Government concerned
- (iv) No refund of bonus or gratuity paid in respect of his 'war service' shall be demanded from the officer

- (5) No refund of bonus or gratuity paid to the employees in respect of such war service shall be demanded from the employee

## GOVERNMENT OF INDIA ORDER

*Counting of non pensionable service rendered during World War II towards civil pension*

A doubt has arisen as to whether the non pensionable service rendered during World War II should count towards civil pension in terms of Articles 357C and 357D of the C S R. The Government of India are of the view that a civil employee whom the provisions of these Articles apply, who enlisted for service during World War II and who left the Army on demobilisation at the end of that War is entitled subject to the conditions in the Articles to count such military service for civil pension irrespective of whether it was pensionable or not under Military rules. Such title is of course subject to the proviso that a military pension has not as a matter of fact been earned in respect of it in conjunction with other military service rendered before or after the war.

[G I M F No F 3(17) EV/A/60 dated the 13th October 1960]

**357 D** Members of the Services specified in the Schedule below, who prior to their appointment to those Services/Posts against war reserved and other permanent vacancies which arose for direct recruitment before 1st January 1948 had rendered satisfactory paid whole time enlisted or commissioned 'war service' between 3rd September 1939 and 1st April 1946 in the Armed Forces of India or similar Forces of a Commonwealth country which did not earn a service pension under the Military, Naval or Air Force Rules may count such 'war service' including all kinds of leave on full rates of pay and sick leave taken during such service, for civil pension of all kinds subject to the following conditions —

- (1) Completed years of 'war service' rendered after the attainment of the minimum age mentioned in the Schedule to this Article shall be allowed to count up to a maximum of five years.
- (2) The addition so made shall not be included in total service under Article 408 of these Regulations for the purpose of counting leave as qualifying for pension.
- (3) 'War service' rendered in the Armed Forces of India and that rendered in similar forces of a Commonwealth country shall be allowed to count alike for pension, no contribution towards or a share of a pension earned as a result of this concession being claimed from the foreign Government concerned.
- (4) No refund of bonus or gratuity paid to the employees in respect of such 'war service' shall be demanded from the employees.

## SCHEDULE

<i>Service, or post</i>	<i>Minimum Age</i>
Indian Audit & Accounts Service	21 years
Indian Customs Service	21 "
Indian Defence Accounts Service	21 "
Assistant Master, Indian Security Press	24 "
Assistant Master, Indian Government Mint	24 "
Indian Income Tax Service	21 "
Editor "India Speaks"	24 "
Indian Meteorological Service	23 "
Assistant Electrical & Mechanical Civil Aviation Department	25 "
Senior Aircraft Inspector, Civil Aviation Department	30 "
Aircraft Inspector, Civil Aviation Department	28 "
Research Officer, Pathology, (Poultry Research Section) Indian Veterinary Research Institute, Izatnagar	25 "

NOTE —The maximum limit of five years mentioned in Article 357 C and 357 D shall not apply to the war service followed by civil service without break which is allowed to be counted in full towards civil pension in the case of persons who retire or die on or after the 22nd April, 1960

[G I M F Notification No F 3(3) EV/A/61 dated the 22nd February, 1961]

## GOVERNMENT OF INDIA'S ORDERS

*Counting of war service of 'War Service' candidates*

(1) A question has been raised whether and if so, to what extent, 'war service' rendered during the last war, by itself, or in conjunction with other military service, should be allowed to count towards civil pension in respect of 'war service' candidates appointed permanently to civil posts, against vacancies arising after the 31st December 1947. The Government of India have decided that such service may also be allowed to count towards civil pension to the extent of one-half. If, however, whole or any portion of such service satisfies the conditions laid down in Art 356 C S R, that portion of the service may be allowed to count in full towards civil pension, subject to the provisions of that Article. The grant of the concession is also subject to the following conditions, namely —

- (i) The officer concerned should not have earned a pension under the Military rules in respect of the service in question,
- (ii) In the case of services or posts in respect of which a minimum age is fixed for recruitment, no military or war service rendered below that age shall be allowed to count for pension,
- (iii) 'War service' rendered in the Armed Forces of India and rendered in similar Forces of a Commonwealth country shall be allowed to count alike for pension and no contribution towards, or a share of pension earned as a result of this concession shall be claimed from the foreign Government concerned
- (iv) No refund of bonus or gratuity paid in respect of his 'war service' shall be demanded from the officer

concerned. If, however, the officer has been granted any retirement gratuity for service covering both the post-war and war period, such gratuity shall be refundable. Also if any portion of the service is allowed to count towards civil pension under Art 356 C S R, the orders contained in the the late Finance Department letter No F. 11 (24)-R II/35, dated the 3rd October, 1935 [order No. (5) below Article 357A] in regard to refund of gratuity shall *mutatis mutandis* apply, and

- (v) The break between the military war service and the civil service shall be treated as automatically condoned, *provided the period of the break does not exceed one year*. Breaks exceeding one year but not exceeding three years may also be condoned, in exceptional cases, under special orders of Government

2. The Government of India have also decided that in a case where an officer is entitled in respect of the 'war service' rendered between the 3rd September, 1939 and the 1st April, 1946 to the concession under Art 357C or Art 357D of the C S R, he may either avail himself of the concession under paragraph 1 above in respect of the whole of his military service, including 'war service', or count the service rendered during the war period for civil pension under Art 357C or Art 357D, as the case may be, and remaining service rendered before or after the war period to the extent of one-half of that service. If however, in the latter case, the officer concerned has rendered any military service pensionable under the Military rules and satisfying the conditions laid down in Art 356 C S R, before or after the war period but did not earn a pension by his 'war service' in conjunction with his military service the orders contained in No (5) below Art 357A shall *mutatis mutandis* apply

[G I M F, No F 11(15) EV/56 dated the 5th August, 1958]

(2) The above orders may be brought to the notice of all the officers concerned and those who are eligible to exercise an option under paragraph 2 thereof may be asked to do so as early as possible. Past cases which were disposed of with reference to Article 357C or 357D of the C S R may also be reopened and dealt with in the light of those orders

It has also been decided that the orders contained in the aforesaid order should be applied to officers who have retired from service before the date of issue of those orders. Necessary action to reopen such cases be taken by the Head of the Office under whom the retired officer last served or by the retired officer himself.

[G I M F No F 11(15) EV/56, dated the 19th March, 1959]

(3) With reference to order No (1) above, a doubt has arisen whether the term 'pension under the military rules' mentioned in para (1)(i) thereof includes the disability pension also. The position is that wherever the disability pension includes service element, this

element has to be surrendered, before the war/military service is allowed to count towards civil pension

In a case where a Government servant gets disability pension after he becomes eligible for ordinary pension also, and that element of ordinary pension is included in the disability pension he is not eligible to count war/military service towards civil pension in terms of the order referred to

[G I M F No F (39) EV (A) 61, dated the 18th September 1961]

(4) Leave taken during war/military service should count as service for civil pension to the extent to which such leave would count as service for the purpose of pension if the officer concerned had been a temporary civil employee throughout

[G I M F No F 3(26) EV (A)/60, dated the 7th September, 1960]

(5) The Government of India have decided that continuous war/military service will also count in full towards civil pension if such service is followed without interruption by appointment to and eventual confirmation in a pensionable post in civil service. The grant of the concession will be subject to the following conditions —

- (i) The officer concerned should not have earned a pension under the military rules in respect of the service in question
- (ii) In the case of services or posts in respect of which a minimum age is fixed for recruitment no military or war service rendered below that age shall be allowed to count for pension
- (iii) War service rendered in the Armed Forces of India and rendered in similar Forces of a Commonwealth country shall be allowed to count alike for pension and no contribution towards or share of a pension earned as a result of this concession shall be claimed from the foreign Government concerned
- (iv) No refund of bonus or gratuity paid in respect of 1½ 'war service' shall be demanded from the officer concerned. If, however the officer has been granted any retirement gratuity for service covering both the war and post-war period, such gratuity shall be refundable

2 The orders contained in paragraph 1 above shall apply in the case of those Government servants who retire or die on or after the 22nd April, 1960

3 The provisions of Arts 357C and 357D of the CSR and the orders contained in order (1) above shall continue to apply in the case of person who retired or died before the 22nd April, 1960, and also in the case of those who retired or died or may retire or die on or after that date if there was a break between their war/military service and civil service

4 The service rendered by persons during World War II in

recruited overseas, and service for pension, in the case of officers of the I.P.S. and I.F.S. will count from the date they begin to draw pay. The pay of these officers commences from the date of disembarkation subject to their proceeding to take up their duties without avoidable delay, *vide* orders of Governor General below F.R. 17. The effect of the amendment to Art. 561 C.S.R. is that the member of the I.C.S. appointed on probation under Rule 2 of the I.C.S. (Probationary Service) Rules, 1937, or corresponding rules made thereunder will count service for pension from the date of covenant entered into on the satisfactory completion of the year's probation. The amendments to Arts 358(b) and 374(1) of the C.S.R. have not been given retrospective effect, as under Art 4 C.S.R. an officer's service for pension is governed by the rules in force at the time of retirement.

[Ar. Gen.'s letter No 447 A/52 35, dated the 3rd November, 1938, Paragraph 68 of India Supplement.]

359. The following exceptions are admitted to the twenty years rule—

- (1) All officers appointed in England by the Secretary of State; "Indian College Engineers" [see Article 627 (d)]; and Police probationers appointed in India under the orders contained in the despatch of the Secretary of State No. 14 (Judicial), dated 15th March, 1894.
- (2) Signallers in the Indian and Indo-European Telegraph Department may count towards pension service rendered by them after they attain the age of eighteen years.
- (3) Sub-assistant surgeons count service from the date they pass their final examination.

NOTE.—[Pupils of the Civil Hospital Assistant class in Medical Colleges, who are granted leave under Article 52 (c), count service from the date on which the leave begins.]

360. Deleted

### Conditions of Qualification

361. The service of an officer does not qualify for pension unless it conforms to the following three conditions :—

*First*—The service must be under Government.

*Second*—The employment must be substantive and permanent.

*Third*—The service must be paid by Government.

These three conditions are fully explained in the following Section.

### GOVERNMENT OF INDIA'S ORDERS.

#### *Service of a Treasurer through an Agent*

(1) The service of a Treasurer of one or more District Treasuries who does not himself do the work of the office in any of

the Civil Defence Department shall also be treated as "war service" for the purpose of these orders

[G I M F No F 3(43) EV(A)/60, dated the 8th December 1960]

*Allocation of pensionary charges between Civil and Defence*

(6) With reference to order (1) above the question of allocation of pensionary charges between the Civil and the Defence authorities was recently examined in connection with the cases covered by order (1). It has been held that for the purpose of incidence the war service and the military service that count to the extent of half under it should be separated. The President has accordingly been pleased to decide that the charges in respect of war service in such cases should be borne by the civil authorities as in the cases covered by Arts 357C and 357D of the C S R the charges in respect of military service (other than war service) being borne by the Defence authorities in accordance with paragraph 12 of Part IV of Appendix 3 to the Account Code, Vol I

[G I M F No F 3(25) EV(A)/60 dated the 27th August, 1960]

## Chapter XVI—Conditions of Qualifying Service

### SECTION I—DEFINITION OF QUALIFYING SERVICE

#### Beginning of Service

358 (a) Except for Compensation gratuity, an officer's service does not qualify till he had completed eighteen years of age.

Provided that nothing contained in this clause shall apply in the case of persons who were in service on 1st September, 1960 and in whose case a lower age limit had been prescribed.

(b) In other cases, unless it be otherwise provided by special rule or contract the service of every officer begins when he takes charge of the office to which he is first appointed

NOTE —[In the case of Class IV service service counts after the age of 16 years and those who entered were confirmed on or after the 17th April, 1950 it counts after the age of 18 years]

NOTE —[In every covenant with an officer appointed in England by the Secretary of State not being a member of the Indian Civil Service or Indian Police or a Civil Engineer or Telegraph Officer educated at the Royal Engineering College Coopers Hill a clause is inserted to the effect that service for leave and pension begins only from the date on which the officer joins his first appointment in India. In the case of an officer of the Indian Forest Service appointed in England by the Secretary of State service for pension begins from the date from which he draws pay]

#### AUDITOR GENERAL'S ORDER

The effect of amendments to FR 9(6) (a) and Arts 358 and 374 of the C S R announced in Government of India Finance Department Notification, dated the 23rd June 1938 is that service for leave in case of officers of the I C S, I P S or the Indian Forest Service



- (ii) If the services of a Government servant who is a scientist or a technologist are lent to a University, the rate of pension contribution, which the university will pay, will be restricted to the rate at which it contributes to the Provident Fund of its employees

2 These orders will take effect from the date of issue and past cases of transfers will be regulated in accordance with the orders already in force. The concession sanctioned in paragraph 1 (i) may, however, be allowed to all officers including officers transferred from *semi* Government institutions who were in service of the Government of India on the 28th March, 1960 provided that —

- (i) The officers who have already drawn the Contributory Provident Fund benefits in respect of their service under the *semi* Government institutions refund either in lump sum or in monthly instalments, not exceeding twelve in number, the institution's share of contribution together with interest thereon from the date of withdrawal to the date of final payment. The title to count past service for pension will not accrue until the amount refundable and interest thereon have been refunded in full

- (ii) If no such benefit has been received, the previous employer agrees to bear the proportionate pensionary liability

[G I M F No F 3(28) EV (A)/60 dated the 28th March 1960 and even number dated the 28th September 1960]

361A The Government of India may, however in the case of service paid from General Revenues, even though either or both of conditions (1) and (2) are not fulfilled —

- (1) declare that any specified kind of service rendered in a non-gazetted capacity shall qualify for pension,
- (2) in individual cases, and subject to such conditions as it may think fit to impose in each case, allow service rendered by an officer to count for pension.

Subject to such conditions as it may think fit to impose, the Government of India may delegate its powers under this Article to Provincial Governments Minor Local Governments and Heads of Departments

NOTE —[(a) Provincial Governments exercise the powers of the Government of India under clauses (1) and (2) of this Article in respect of officers serving under them if the pension does not exceed fifty rupees a month. In individual cases where the pension exceeds fifty rupees a month they may allow half the actual non qualifying service paid from General Revenues to count for pension subject to a maximum of twelve months in all

(b) Minor Local Governments exercise the power of the Government of India under clause (2) of this Article in respect of officers serving under them if the pension does not exceed ten rupees a month]

the Treasuries, but appoints an agent to do it for him, is not pensionable as no claim to pension is admitted when a person's whole time is not retained for public service *vide* Art. 352 (c) C S R, but is merely paid for work done for the State

[G I F D, No 3230, dated the 9th July, 1895, Paragraph 88 of India Supplement]

### *Archaeological Department*

The services of all persons employed in the above Department should be regarded as permanent from the time of their original appointment to the Department and should count towards pension

[G I F D No 462 dated the 29th January, 1886, Paragraph 87 of India Supplement]

### *Solicitor to the Government of India*

(2) On completion of the four years' term, the Solicitor to the Government of India should receive a bonus of Rs 10,000 while in the event of an extension being granted he should receive a further bonus of Rs 2,500 for an additional completed year

[G I F D No F 91 Ex 26, dated the 13th April, 1926 Paragraph 86 of India Supplement]

### *Service by Scientific Employees*

(3) The recommendations of the Pay Commission (i) for counting towards pension of service rendered by scientific employees of *semi*-Government institutions, financed from cess or Government grants, on their appointment to a pensionable service under the Government of India, and (ii) the rate of pension contribution payable by universities when they borrow services of Government servants who are scientists and technologists, have been carefully considered, and it has been decided as follows —

- (1) A scientific employee of a *semi* Government institution, which is financed wholly or mainly from cess or Central Government grants who was on a Contributory Provident Fund basis in such an institution may, on permanent appointment without any interruption to a pensionable service or post under the Government of India, count his previous service in that institution during which he subscribed to that Fund as service qualifying for pension provided that the contribution together with interest thereon paid by the institution is made over to Government. The service during which he did not subscribe to the Contributory Provident Fund will not be so reckoned unless the previous employer agrees to bear proportionate charges on account of pensionary benefits for the service so-rendered. If, however the officer was not on a Contributory Provident Fund basis in such an institution, his previous service will be reckoned as qualifying for pension if the previous employer agrees to bear proportionate charges on account of pensionary benefits

- (ii) If the services of a Government servant who is a scientist or a technologist are lent to a University, the rate of pension contribution, which the university will pay, will be restricted to the rate at which it contributes to the Provident Fund of its employees

2 These orders will take effect from the date of issue and past cases of transfers will be regulated in accordance with the orders already in force. The concession sanctioned in paragraph 1 (i) may, however, be allowed to all officers including officers transferred from semi Government institutions who were in service of the Government of India on the 28th March, 1960 provided that —

- (i) The officers who have already drawn the Contributory Provident Fund benefits in respect of their service under the semi Government institutions refund either in lump sum or in monthly instalments, not exceeding twelve in number, the institution's share of contribution together with interest thereon from the date of withdrawal to the date of final payment. The title to count past service for pension will not accrue until the amount refundable and interest thereon have been refunded in full
- (ii) If no such benefit has been received, the previous employer agrees to bear the proportionate pensionary liability

[GIMF No F 3(28) EV (A) 60 dated the 28th March 1960 and even number dated the 28th September 1960]

361A The Government of India may, however in the case of service paid from General Revenues even though either or both of conditions (1) and (2) are not fulfilled —

- (1) declare that any specified kind of service rendered in a non-gazetted capacity shall qualify for pension ;
- (2) in individual cases and subject to such conditions as it may think fit to impose in each case allow service rendered by an officer to count for pension

Subject to such conditions as it may think fit to impose, the Government of India may delegate its powers under this Article to Provincial Governments Minor Local Governments and Heads of Departments.

NOTE —[(a) Provincial Governments exercise the powers of the Government of India under clauses (1) and (2) of this Article in respect of officers serving under them if the pension does not exceed fifty rupees a month. In individual cases where the pension exceeds fifty rupees a month they may allow half the actual non qualifying service paid from General Revenues to count for pension subject to a maximum of twelve months in all

(b) Minor Local Governments exercise the power of the Government of India under clause (2) of this Article in respect of officers serving under them if the pension does not exceed ten rupees a month]

## GOVERNMENT OF INDIA'S ORDERS

### *Pension of an officer whose whole service is temporary*

(1) The Local Government can allow the benefit of the above Art irrespective of the provisions of Art 381 (b) C S R, to an officer whose whole service was temporary whether followed by permanent service or not (Imp)

[G I F D No 287 C S R, dated the 10th July, 1912]

(2) The grant of a pension under this Article to an employee whose whole service is temporary and who was discharged on a reduction of temporary establishment, is not warranted under the spirit of that Article. The concession which has been embodied in it was intended to provide some means of support in their old age for temporary employees whose long and faithful service in an appointment not qualifying for pension was such as to merit special consideration. It follows then that while length of service approximating, if it does not actually come up to the service required for pension in ordinary establishments is almost an essential condition, it cannot be admitted in itself and apart from other circumstances as justifying the concession. Moreover, while it is unnecessary to limit the conditions so as to preclude a pension being given for substantially shorter periods of service, it must be clear that cases of this kind must be altogether exceptional and that the application of the ordinary rules of compensation, superannuation or invalid pension to temporary employees can only be justified by very special circumstances. Although the Government of India have no desire to fetter the discretion of Local Governments in the award of pensions under the above Article the principles enunciated above should be generally observed in cases of this kind (Imp)

[G I F D No 413 C S R, dated the 20th August, 1912, Paragraph 101 of India Supplement]

## AUDIT INSTRUCTION

Non qualifying service which may be allowed to count for pension under Art 361A, C S R, should not be taken into account for the purpose of Art 408 *ibid* unless such service is treated as permanent for the purpose of leave also

"Total Service" in Art 408 does not include the period added to service qualifying for pension under Art 404A, C S R

[Para 18 Sec III of Manual of Audit Instructions (Reprint)] (Imp)

## SECTION II—FIRST CONDITION

### Service under Government

362 The service of an officer does not qualify unless he is appointed and his duties and pay are regulated by the Government, or under conditions determined by the Government. The following are examples of officers excluded from pension by this Article —

(1) A Marine Officer paid by fees fixed by the Board of Trade ;

(2) Officers of a Municipality ;

(3) Officers of Grant in aid Schools and Institutions (e g, the Asiatic Society and Canning College at Lucknow) ;

(4) Subordinates appointed by Treasurers on their own responsibility, e g, Tahvildars in the Province of Agra and in the Central Provinces, and Poddars (money testers) in Bengal

## GOVERNMENT OF INDIA'S ORDERS

### *Divisional Treasurers*

(1) In cases in which a Divisional Treasurer is a firm consisting of several partners each of whom does the work of one of the Divisional Treasurers each such partner actually performing the work of a Treasurer at a separate Treasury is entitled to a pension

[G I F D No 895 P, dated the 12th February 1907 Paragraph 131 of the Punjab Manual]

### *Government of India's Contingency paid staff*

(2) Government of India have decided that with effect from the 1st June, 1949, selected categories of whole time contingency paid staff such as sweepers, bhishties, chowkidars chobdars, malis or gardeners, khalasis and such other categories as are expected to work side by side with regular employees or with employees in work-charged establishments should for the present, be brought on to regular establishments of which they form adjuncts and should be treated as 'regular' employees. The other contingency staff who do not fulfil these conditions e g dhobis, tailors, syces, grass cutters etc should continue on the existing basis and should be treated to be 'casual' employees. Part time employees of "regular" categories as also employees of 'casual' categories, who are not brought on to the regular establishments, will continue, as at present, to be paid from contingencies. The actual classification of different categories of contingent staff into 'regular' or 'casual' may be made without delay in consultation with the appropriate Division of the Ministry of Finance

†Such of the contingency paid staff as may be brought on the regular establishments shall receive pay in the scale of Rs 30 ½-35 or such other scale as may be admissible to employees of corresponding grade in the regular establishments to which they may be brought on. In addition they shall be entitled to dearness, house-rent, travelling, compensatory and other allowances, leave, medical attendance, rent free accommodation pension and rights as to tenure of office and disciplinary matters as may be admissible to comparable staff in the regular Class IV or other establishments to which they may be brought on. They shall not however, be entitled to any over time allowance

[G I M F No F 1(10) Est (Spl)/49 dated the 16th June 1949]

†Retrospective effect in respect of pay allowances leave and pension has not been allowed

- (b) Service in the establishment employed in the Khelat territory for the assessment and collection of water-rate on lands watered by the Sind Canal which was paid in part by the Khan of Khelat prior to the levy of a local cess to meet the charge.

## GOVERNMENT OF INDIA'S ORDERS.

### *Service in an Indian State or Corporate Body*

(1) An officer in foreign service who held no substantive appointment in Government service prior to his entertainment under an Indian State cannot count his foreign service except under the sanction of the Secretary of State

[G I For D No 3740-L A, dated the 17th September, 1908]

(2) Government of India have decided in consultation with the Governments of Part 'B' States that the past service rendered under an Indian State which has now become a Part 'B' State or under a Part 'B' State proper by the former State servants who have been permanently absorbed in Central Government service in the ordinary course (that is, not directly as a result of the financial integration) should be treated as equivalent to Government service for the purpose of pension and should count for pension under the Central Government rules, on such permanent absorption in the same manner as such service rendered in a Part 'A' State counts. A similar treatment should also be accorded to Central Government servant who may be absorbed in service under Part 'B' State and who may retire from that service. The respective Governments will, however continue to be responsible for the pensionary charges in respect of service rendered under each and the liability of each Government will be allocable in the manner laid down in the Ministry of Finance (Department of Economic Affairs) Office Memorandum No F 15(17)B 50 dated the 20th October, 1953. For this purpose, the service rendered under a former Indian State will be treated as service rendered under the successor Part 'B' State of which that Indian State now forms a part.

[G I M F (State and External Affairs) No F 28 16 53 dated the 10th September, 1954]

(3) The Government of India have had under consideration the question whether a Government servant who is deputed or transferred to service under a body corporate owned or controlled by Government, or whose services are lent to such a body, should in the event of his permanent absorption in service under that body, be allowed any retirement benefits in respect of his previous pensionable service rendered under Government, and if so, to what extent and in what form. After careful consideration, the President has been pleased to decide that in such a case, subject to what is stated in paragraph 2 below, an amount equal to what Government would have contributed had the officer been on Contributory Provident Fund terms under Government together with simple interest thereon at two per cent. for the period of his pensionable service under Government may be credited to his Contributory Provident Fund Account with the

363. As an exception to the preceding Article, the services of Subordinates of Treasurers, in the Punjab, including Tahvildars and Potdars (money-testers), who were in employ on 23rd August, 1886 qualify, provided that they were :—

- i) appointed by District Officers ;
- ii) discharging duties and receiving pay regulated under conditions laid down by Government ; and
- iii) other than mere servants of Treasurers liable to be removed whenever a change might take place in the incumbency of the office of a Treasurer.

364. The service of a Native Accountant appointed to a Sildar Regiment in the Bombay Presidency on or after 6th February, 1875 does not qualify.

#### Service paid from Contract Allowances

365. Service on an establishment paid from a Contract Establishment allowance, with the detailed distribution of which the Government does not interfere, does not qualify, whether such contract allowance is a fixed amount or consists of fees.

NOTE.—[The maximum Establishment allowance for Registration Offices in Bengal is not a Contract allowance within the meaning of this Article.]

366. Service on an establishment paid from the Household allowance of the Viceroy (President), or of a Governor, or Lieutenant-Governor does not qualify.

1 If an officer has served partly (in a capacity which would have given him claim to pension if the service had been paid from the General Revenues) on the Household establishment of the Viceroy (President) and partly on establishment paid from the General Revenues, he is entitled from the General Revenues to a share of any pension to which he would have been entitled if his whole service had been paid from the General Revenues, proportionate to the length of the service which has been so paid.

*Example*—AB, a messenger on pay of Rs 3 a month, has served altogether thirty two years, of which sixteen years were passed on the Household establishment of the Viceroy (President). If AB's whole service had been paid from the General Revenues, he would have been entitled under the rules for inferior service to a maximum pension of Rs 4 a month AB will receive from the General Revenues a maximum pension of Rs. 2 a month.

2. The Governor of Bombay is authorised to grant pensions and gratuities at his discretion to the domestic servants in the Government House establishment retiring from the service or to the families of such domestic servants after their decease provided that the amount of such pensions and gratuities paid in any one year ending 31st March shall not exceed Rs 1,320

#### Service under an Employer other than Government

367. In the following cases service under an employer to whose position Government has succeeded qualifies :—

- (a) Service rendered to an Indian State, and continued to the British Government on the lapse or annexation of the State, when old age or infirmity renders the officer a fit object for pension.

## SECTION III—SECOND CONDITION

## General Principles

368. Services does not qualify unless the officer holds a substantive office on a permanent establishment :

Provided that in the case of an officer retiring from service on or after 22nd April, 1960, if he was holding a substantive office on a permanent establishment on the date of his retirement, temporary or officiating service under the Government of India, followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect of :—

- (i) periods of temporary or officiating service in non-pensionable establishments ;
- (ii) periods of service in work charged establishment ; and
- (iii) periods of service paid from contingencies.

NOTE—In the case of a State Government servant who is permanently transferred to the Central Government and becomes subject to these rules under Article 4A the term 'temporary or officiating service' used in the proviso shall include such service rendered under the State Government

[G I M F No F 3(4) EV (A)/61, dated the 8th March 1961 ]

## GOVERNMENT OF INDIA'S ORDERS

*Counting of half of continuous temporary service rendered after the 2nd September 1939 to the 21st April 1960*

(1) If a Government servant in *quasi* permanent service is appointed substantively to a permanent post the entire period of his *quasi* permanent service together with one half of the period of the preceding continuous temporary service (excluding extraordinary leave) rendered after the 2nd September, 1939 shall be deemed to be qualifying service for the grant of pension or gratuity as the case may be

[Rule 10 of Central Civil Services (Temporary Service) Rules 1949 ]

(2) Half the continuous temporary/officiating service excluding extraordinary leave rendered after the officer has attained the minimum qualifying age if followed by confirmation in a pensionable post will qualify under the Liberalised Pension Rule 7 read with G I M F No F 24 (20) EV/52, dated the 7th June, 1952, even if he does not qualify under Arts 370 and 371 of the C S R

*Whole temporary service does not count*

(3) See G I order (2) below Art 361A

*Service of contract officers appointed to pensionable posts/ services*

(4) The question of counting towards pension service on contract rendered by contract officers who are later appointed to pensionable posts, services, on the analogy of the provisions contained



autonomous body as an opening balance on the date of permanent absorption and Government's liability in respect of the officer's pensionable service under them treated as extinguished by this payment

2. The aforesaid order will apply, however, only where the permanent transfer from Government service to an autonomous body is in the public interest and transfer is to a Government or *quasi* Government Corporation and not to a private institution. In all other cases Government will not accept any liability to pay any retirement benefits for the period of service rendered by the officer before his transfer

The concession may not be claimed as a matter of right but may be sanctioned at the discretion of Government in individual cases where it is merited

[G I M F No F 2(33) EV (A) 2/60 dated the 10th September, 1960]

(4) On the analogy of the orders contained in Pepsu Government's Notification No F Estt-11(95)51 dated the 4th March, 1954 (reproduced below), declaring certain permanent posts, which were considered non pensionable or doubtful in the covenanted States, as pensionable from the date of their original creation, the President has been pleased to decide that services of those of the ex Pepsu States officials who were absorbed in a Department of the Government of India as a result of the Federal Financial Integration may be treated as qualifying, irrespective of the fact whether these were pensionable or not under the State Government subject to the conditions prescribed in Art 361 C S R being fulfilled

The pensionary benefits will not be admissible to Government servants paid from contingencies and to the holders of non pensionable posts who retired before the formation of the Union

The pension cases of those officials who have already retired may also be decided in accordance with these orders

[G I M F No F 3(44) EV (A)/60, dated the 13th December, 1960]

Copy of Government of Pepsu Finance Department Notification No. F. Estt 11(95) 51 dated the 4th March 1954

Subject —Treating the posts which were non pensionable in the covenanted States as pensionable

The question whether certain permanent posts which were considered as non pensionable in the covenanted States may be considered as pensionable has been under the consideration of Government for some time. The President is pleased to order that the posts in question may be considered as pensionable if they conform to the three criteria laid down in Article 2.2 of P S R., Vol III, viz —

- 1 The service must be under Government
- 2 The employment must be substantive and permanent
- 3 The service must be paid by Government

## SECTION III—SECOND CONDITION

## General Principles

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Provided that in the case of an officer retiring from service on or after 22nd April, 1960, if he was holding a substantive office on a permanent establishment on the date of his retirement, temporary or officiating service under the Government of India, followed without interruption by confirmation in the same or another post, shall count in full as qualifying service except in respect of :—

- (i) periods of temporary or officiating service in non-pensionable establishments ;
- (ii) periods of service in work charged establishment ; and
- (iii) periods of service paid from contingencies.

NOTE—In the case of a State Government servant who is permanently transferred to the Central Government and becomes subject to these rules under Article 4A the term 'temporary or officiating service' used in the proviso, shall include such service rendered under the State Government.

[G I M F No F 3(4) EV (A)/61, dated the 8th March, 1961.]

## GOVERNMENT OF INDIA'S ORDERS.

*Counting of half of continuous temporary service rendered after the 2nd September 1939 to the 21st April, 1960*

(1) If a Government servant in *quasi* permanent service is appointed substantively to a permanent post, the entire period of his *quasi* permanent service together with one half of the period of the preceding continuous temporary service (excluding extraordinary leave) rendered after the 2nd September, 1939 shall be deemed to be qualifying service for the grant of pension or gratuity as the case may be.

[Rule 10 of Central Civil Services (Temporary Service) Rules, 1949]

(2) Half the continuous temporary/officiating service excluding extraordinary leave rendered after the officer has attained the minimum qualifying age if followed by confirmation in a pensionable post will qualify under the Liberalised Pension Rule 7 read with G I M F No F 24 (20)-EV/52, dated the 7th June, 1952, even if he does not qualify under Arts 370 and 371 of the C S R

*Whole temporary service does not count*

(3) See G I order (2) below Art 361A.

*Service of contract officers appointed to pensionable posts/ services*

(4) The question of counting towards pension service on contract rendered by contract officers who are later appointed to pensionable posts, services, on the analogy of the provisions contained

in Rule 26 of the Contributory Provident Fund Rules (India), has been under consideration of the Government of India for sometime past

Normally a contract officer is entitled to such benefits only as may be provided for in the terms and conditions of his contract. A contract officer is usually given the benefit of Contributory Provident Fund only, and unless it is specifically so provided in the contract, service on contract does not count for pension in the event of subsequent appointment of the officer to pensionable service. If a contract officer is so appointed, his contract terminates and the provisions of the Contributory Provident Fund Rules cease to apply, as such contract officers, including those who were holding posts in the General Administrative Reserve, though entitled to the Contributory Provident Fund benefits cannot have the benefit of counting their contract service for the purpose of pension on appointment to regular pensionable posts even if it be without interruption of duty. Rule 28 of the Contributory Provident Fund Rules (India), therefore, ordinarily has no application in such cases.

2 While the position strictly is as stated above, the question has been considered how far contract service could be allowed to count for pension irrespective of the technical position stated above. In this connection it has been suggested that a contract officer could not equitably be treated less favourably than a person in purely temporary employment who is eligible to count for purposes of pension half the continuous officiating/temporary services rendered by him in a pensionable establishment immediately before confirmation. After careful consideration of the various aspects of the case it has now been decided that contract officers (including those belonging to the General Administrative Reserve) who were initially engaged on contract and were subsequently appointed to the same or a different post in a substantive capacity on pensionable basis without interruption of duty, may be allowed the option of surrendering the Government contribution to their Contributory Provident Fund Account together with interest thereon for the period of the contract and to count one half of their contract service towards pension. This order will not apply in the case of those who have since quitted service or who were appointed to pensionable posts after a break in service.

own subscriptions with interest thereon and the Government contribution together with interest thereon) will be refunded and treated as finally paid to him. In the case of officers opting to earn pension in respect of the period of service on contract, their Contributory Provident Fund accumulation will be adjusted in the manner indicated in Rule 28(1)(b) of the Contributory Provident Fund Rules (India).

4. Attention in this connection is also invited to the Government of India, Ministry of Home Affairs, Office Memorandum No. 1/31/55-CS (A) dated the 28th November, 1955, regarding the disposal of the accumulations in the Contributory Provident Fund Accounts of officers of the General Administrative Reserve appointed to pensionable posts. Such accumulations will be adjusted finally in the light of the option exercised by the officers concerned in terms of these orders. Cases in which the accumulations in the Contributory Provident Fund Accounts have already been paid to the officers concerned who may now desire to earn pension in respect of the period of contract may also be dealt with in the light of these orders. Such officers may refund to Government either in a lump sum or in convenient instalments, not exceeding twelve in number, the amount actually received by them together with interest thereon from the date of payment to the date of final refund.

[G.I.M.F. No. F. 11(30)-EV/56, dated the 20th June, 1957.]

(5) Under order (4) above, such officers who had already received their accumulations in the Contributory Provident Fund and who might desire to earn pension in respect of the period of contract, were required to refund *either in lump sum or in instalments*, the amount actually received by them together with interest thereon. It has since been represented that refund of the subscription portion would result in undue hardship as most of the officers who received the amounts some years ago would have spent the money in some way or the other. After careful consideration, it has been decided that the subscription portion of the Contributory Provident Fund accumulations with interest thereon which may have been received by any officer before the issue of the Office Memorandum referred to above need not be refunded for credit into his General Provident Fund Account, if he so desires. Where, however, the recovery of the subscription portion has already been effected in whole or in part, the amounts already so recovered need not be refunded to the officers but further recoveries may be stopped at the option of the officers concerned.

[G.I.M.F., No. F. 11(30)-EV/56, dated the 31st January, 1958.]

(6) Under order (4) above, contract officers (including those belonging to the General Administrative Reserve) who were initially engaged on contract and were subsequently appointed to the same or a different post in a substantive capacity on pensionable basis without interruption of duty, were allowed the option of surrendering the Government contribution to their Contributory Provident Fund

Account together with interest thereon for the period of contract, and to count one half of their contract service towards pension

The question in regard to the extent to which service on contract should count for pension has since been reviewed, and it has been decided by the President, in partial modification of the orders referred to above, that the contract service should be treated like any other service, temporary and permanent, rendered in a pensionable establishment and allowed to count for pension subject to the usual conditions laid down in the pension rules irrespective of whether the officer concerned subscribed to the Contributory Provident Fund or not throughout the period of contract, provided that for the period during which he did not subscribe to the Contributory Provident Fund he did not draw inflated rates of pay by reason of the absence of any retirement benefits

2 It has also been decided by the President that an officer who has exercised or is deemed to have exercised the option of not having the period of service on contract counted for purpose of pension in terms of order (4) above should be given a further option to be exercised within three months from the date of issue of these orders of surrendering the Government contribution to his Contributory Provident Fund Account together with interest thereon for the period of contract, and to count his service towards pension in terms of paragraph 1 above. Officers who now desire to earn pension in respect of the period of contract shall refund also interest on the amount actually received from the date of payment to the date of final refund. This order will not apply in the case of those who have already quitted service on the date of these orders

3 The Ministry of Home Affairs etc are requested to make arrangements to communicate these orders to all officers under their administrative control who are entitled to exercise option in terms of paragraph 2 above. The contents of this Office Memorandum may also kindly be noted for necessary action as and when the occasion therefore arises

[G I M F No 11(30)EV/56 dated the 6th February, 1959 as amended by No 11(30) CV/56 dated the 21st March 1959]

(7) Under orders (4) and (6) above, regarding counting of service rendered on contract basis by officers (including those belonging to the General Administrative Reserve) on surrendering the Government contribution to their Contributory Provident Fund Accounts together with interest thereon in the event of their substantive appointment on pensionable basis without interruption of duty, it has been represented to the Government of India that the contract officers who are appointed on probation to pensionable posts are deemed to have quitted service within the meaning of Rule 23 of the Contributory Provident Fund Rules and the accumulations in their Contributory Provident Fund Accounts become payable and must be paid under Rule 27 *ibid*. The recovery of Government contribution to the Contributory Provident Fund Accounts together with interest thereon, when the

officers are confirmed in pensionable posts after some time and opt for pensionary benefits in respect of their service on contract, causes undue hardship to them

2 The Government of India decided to allow the officers in the above cases, in relaxation of the rules to continue to have the Government contributory portion of the Provident Fund with interest thereon, retained in their Contributory Provident Fund Accounts until such time as they are confirmed in pensionable posts/services. Such accumulations will be adjusted finally in the light of the option exercised by the officers concerned in terms of the orders referred to above

[GIMF No F 3(58) EV(A)/60 dated the 31st January 1961]

(8) Cases have arisen where on retirement/superannuations/in validment or death while in service the amount of Government Contribution together with interest thereon standing to the credit of employees who have been admitted to Contributory Provident fund (India) or workment's Contributory Provident Fund, is less than the amount which would have been admissible to them or their families had they not been admitted to the aforesaid Funds. The President has therefore been pleased to decide that in such cases the difference between the gratuity that would have been admissible under the aforesaid orders had the employees in question not been admitted to the said funds and the Government Contribution with interest thereon standing to their credit in the Fund mentioned above may be allowed

[GIMF No F 17(1) EV(A)/61 dated the 20th March 1962]

369 An establishment the duties of which are not continuous, but are limited to certain fixed periods in each year is not a temporary establishment. Service in such an establishment including the period during which the establishment is not employed qualifies, but the concession of counting as service the period during which the establishment is not employed does not apply to an officer who was not on actual duty when the establishment was discharged after completion of its work, or to an officer who was not on actual duty on the first day on which the establishment was again re-employed

370 An officer transferred from a temporary to a permanent appointment can count his service in the temporary office if though at first created experimentally or temporarily it eventually becomes permanent. (The provisions of this Article shall not apply to officers retiring from service on or after 22nd April 1960)

## GOVERNMENT OF INDIA'S ORDERS

### *Temporary or officiating service of a retired officer*

(1) It is not permissible to confirm a man in his temporary or officiating appointment after he has retired from it

[LSGR No R 10 dated the 15th May 1907 Paragraph 102 of Ind a Supplement]

(2) References have been received in the Government of India from time to time seeking advice on the question whether a Government servant, permanent or temporary, who has retired from service or has died in service or who has been granted 'refused leave' under FR 86 or leave preparatory to retirement or leave after invalidment under SR 233(e) could be confirmed retrospectively in a post or service in a permanent vacancy which occurred on a date falling before the date of his actual retirement or death. In the case of an officer on leave preparatory to retirement including 'refused leave' or leave after invalidment, it may be noted that the date of actual retirement will be the date of expiry of such leave.

The question has been considered by the Government of India in consultation with the Comptroller and Auditor General of India. The conclusions reached in the matter are set out below for the guidance of all concerned.

2. Confirmation of an officer is an administrative matter and the administrative authorities are competent to make such confirmation within their powers provided the requirements of the rules regulating appointment and confirmation and the criteria mentioned below are satisfied.

3. So long as a permanent vacancy is available before the actual date of retirement or death of an officer and the rules and the orders about the procedure for confirmation are observed, there is no objection to confirmation being made even if the fact about the existence of vacancy becomes known after the officer's proceeding on leave preparatory to retirement, 'refused leave' or leave after invalidment, or after his retirement or death. The main criterion in such a case should be whether the officer would have been confirmed in the post had he been on duty and the existence of the permanent vacancy had been known on the relevant date. In cases of posts to which appointment is by selection, the officer concerned must have already been so selected when he previously officiated in those posts otherwise than as a local or purely temporary arrangement. Accordingly both in the case of appointments by selection as well as seniority such retrospective confirmation may be made by the competent authority in a post which the officer was holding (otherwise than as purely local or temporary arrangement) or would but for his appointment to a higher or equivalent post, have held immediately before his retirement or death or proceeding on leave preparatory to retirement or on refused leave etc (as the case may be) or in a lower post from which appointments are normally made to a post so held.

[G I M H A. No 32/1/55 Ests, dated the 28th June, 1956 as amended by No 32/1/55 Ests dated the 27th November, 1956]

*Interpretation of Art 370 above*

(3) The principles underlying Art. 370 C S R, are —

(i) When posts sanctioned temporarily in the first instance are subsequently made permanent, the whole temporary service

establishment if that establishment becomes permanent after his transfer.

[G I F D 4824 C.S.R., dated the 7th August, 1911, Paragraph 103 of India Supplement ]

*Temporary Appointment eventually made permanent.*

(4) An officer transferred to a permanent appointment from a temporary one which is eventually made permanent can count his service towards pension in the temporary appointment even if it is not made permanent until after his transfer

[G I F.D. 4328 P dated the 20th October, 1892, Paragraph 116 of India Supplement ]

(5) The Government of India have laid down that the intention of the orders contained in Art 370 C.S.R. is that when an isolated post unconnected with a cadre sanctioned temporarily or experimentally in the first instance is subsequently made permanent the whole temporary service of an officer or officers in that post should count for pension provided that such officer or officers are subsequently appointed substantively to a permanent post. The concession is admissible only to officers who render temporary service, substantive or officiating, while having no lien on a permanent post and is admissible to an officer even though he no longer holds the temporary post when it is made permanent

2 It has been decided in consultation with the Auditor General that in the application of Art 370 the following principles should be observed —

(i) The holder of a temporary post supplementing a permanent cadre of posts of the same kind and carrying parallel duties, though actually employed on work properly pertaining to a permanent post in that cadre should still be considered to have rendered service in the temporary post

(ii) When some of several temporary posts, supplementing a permanent cadre as in (i) above, are converted into permanent posts and permanent promotion to those posts is made according to seniority or by selection, the Government servants actually so promoted should be considered as the holders of the temporary posts which have been converted, and should be allowed to count their temporary service rendered in the posts

[G I F D No F 1111/R II/34, dated the 19th February, 1934 Paragraph 134 of the Punjab Manual ]

NOTE —[These instructions do not cover the case of a permanent Government servant who is actually appointed to a temporary post which is eventually made permanent and who is not merely employed on work pertaining to such a temporary post forming a temporary addition to his cadre. Such a permanent Government servant can count the period of his temporary appointment in respect of the temporary post to which he is actually appointed and his *locum tenens* can count his acting service under Art 371 C.S.P.]

[Ar. Genl's No 21 A/839, dated the 13 January 1939 Note below Paragraph 117 of India Supplement ]



(6) An officer deputed to an appointment which though at first created experimentally or temporarily but eventually made permanent can count the period of his deputation on temporary duty in respect of the temporary appointment he actually held and his *locum tenens* counting his acting service under Art 371 C S R (Imp.)

[G I F D No 632 P, dated the 4th February, 1909, Paragraph 118 of India Supplement]

(7) The officers appointed temporarily to the I E S, on subsequent confirmation, are permitted to count such temporary service for leave and pension

[Despatch from H M Secretary of State No 152—Public dated the 23rd August, 1912, Paragraph 137 of the Punjab Manual]

#### *Essential requirement of Art. 370*

(8) For the purpose of counting of temporary service towards pension, the essential requirement is that there should be an identity of functions when the post is temporary and when it is brought on to a permanent function (Imp)

[G I M F No 3857 EV/50 dated the 10th June, 1950]

#### AUDITOR GENERAL'S ORDERS.

(1) The fundamental bases of this rule are —

(i) that the temporary office in which the man worked must itself eventually become permanent, and

(ii) that the only service which can count is the service in that particular office (Imp)

[Ar Genl's letter No T 667 E/138 26 dated the 6th September, 1926 Paragraph 133 of the Punjab Manual]

(2) In the case of a government servant holding a temporary post and having no lien on a permanent post, who officiates in higher grades in interruption of his temporary service, the Auditor General has ruled that such periods of temporary service alone will count for pension as were actually put in the temporary post which was subsequently made permanent (Imp)

[Ar Genl's U O No T 5 A/73 32 dated the 21st April 1932 Paragraph 120 of the Indian Supplement]

(3) The benefit of Art 370 C S R accrues by virtue of the actual service put in by the officer or officers in the post. Consequently, the officer proceeding on leave from such a post does not retain any connection with that post and the benefit of service does not accrue to him but to his successor who actually holds that post

[C & Ar Genl's U O No. 1013 A/291 53 dated the 21st September, 1953]

371 An officer without a substantive appointment officiating in an office which is vacant, or the permanent incumbent of which does not draw any part of the pay or count service may, if he is confirmed without interruption in his service, count his officiating service

NOTE —[The provisions of this Article shall not apply to officers retiring from service on or after the 22nd April, 1960].

## GOVERNMENT OF INDIA S ORDERS

*Officers without a substantive appointment*

(1) An officer without a substantive appointment who officiates continuously in a particular class of appointment in vacancies caused by the absence of different substantive incumbents, and who is eventually appointed substantively, without interruption, in an appointment of the same class though not necessarily in any of the vacancies in which he has been officiating may be considered to have officiated continuously in 'an office which is vacant,' and to have been confirmed without interruption within the meaning of Art 371, if that Article is otherwise applicable (Imp)

[Paragraph 140 of the Punjab Manual]

(2) An officer not holding any pensionable appointment under Government officiating in the vacancy of a permanent man deputed to foreign service on whose behalf pension contribution was recovered counts his officiating service under Art 371 C S R

A Government servant not holding any pensionable appointment, however, when himself deputed to foreign service does not count the period of foreign service for pension under Government although the pension contribution might have been recovered

[Paragraph 141 of the Punjab Manual]

(3) An officer without a substantive appointment may count as service qualifying for pension officiating service which fulfils the conditions of Art 371 if he is appointed substantively, without interruption, in an appointment that in which he was officiating

[Paragraph 143 of the Punjab Manual]

(4) The service of an officer without a substantive appointment officiating in an appointment not vacant or the permanent incumbent of which draws part of the pay or counts service does not involve forfeiture of previous officiating service which did fulfil the conditions of Art 371 C S R

[Paragraph 144 of the Punjab Manual]

(5) When it is found impossible to determine with certainty the nature of the vacancies in which an officer without a substantive appointment has officiated an order of the Provincial government allowing him the benefit of Art 371 may be accepted

[G I F D No 3084 dated the 13th May 1904 Paragraph 146 of the Punjab Manual.]

*Officiating service interrupted by leave without pay.*

(6) Authorised leave of absence does not constitute an interruption or does not break the continuity of officiating or S P T service within the meaning of Art 371 C S R Consequently officiating or *sub protempore* service counts towards pension if the conditions of Art 371 are otherwise fulfilled even if any period of leave intervenes

[Paragraph 145 of the Punjab Manual]

*Question whether officiating service in a substantive protempore vacancy created by a military officer being seconded for the performance of military duties in connection with the War should count for pension*

(7) Officiating service rendered in a substantive *protempore* vacancy caused by a military officer holding a civil appointment being detached from his department for the performance of military duties in connection with the Great War, should be treated under Art 371 in precisely the same manner as ordinary officiating service. The question whether it counts for pension or not depends on whether the permanent incumbent, in fact counted service in the post during the period for which he has been detached from it

[G I F D No F 11 XXIX R 11/34 dated the 23rd Nov 1934, Paragraph 147 of the Punjab Manual.]

*Verification of temporary and officiating service before destruction of pay bills*

(8) The heads of offices should also invariably give necessary particulars with reference to Arts 370 and 371 of the C S R with a view to enable the audit office to decide later on by reference merely to such particulars whether the temporary or officiating service will qualify for pension or not, for example in the case of officiating service the nature of the vacancy in which the Government servant officiated and in case of temporary service, whether the temporary post was subsequently made permanent should be stated

[G I F D No D/7869 F dated the 1st December 1930 Paragraph 150 of the Punjab Manual.]

*An officer on the Permanent Establishment deputed to an appointment which though at first created experimentally or temporarily eventually becomes permanent*

(9) When a temporary appointment subsequently becomes permanent it should be treated as having become permanent with retrospective effect from the date it was created

A permanent officer holding the temporary appointment, therefore, counts service for purposes of pension in respect of the temporary appointment he actually held and his *locum tenens* counts his acting service under Art 371 C S R

These orders have reference only to the rules for the reckoning of service for pension and do not in any way bear on the rules for the reckoning of *emoluments* contained in Art 486(h) C S R, which will be calculated on the pay of the permanent appointment held by the officer and not on the pay drawn in respect of the temporary duty

[G I F D No 632 P dated the 4th February 1909 and Ar Genl's letter No 565 Code/1061 E 24 dated the 4th July 1925 Paragraph 151 of the Punjab Manual.]

## AUDITOR GENERAL'S ORDER

A question was raised whether the service of an officer in a vacancy in a post caused by the transfer of the permanent incumbent

of it on foreign service counts for pension, and whether it makes any difference whether he is appointed to it in an officiating capacity or in a provisionally substantive capacity under F R. 14(d). Ar. General held that while an officer officiating in a vacancy caused by the detachment on temporary duty of the permanent incumbent of a post does not count the officiating service for pension under Art. 371 C.S.R. in view of G.I. order of 1897 given as No (1) below Art. 376, both officiating and provisionally substantive service of an officer rendered in a vacancy caused by the transfer of the permanent incumbent on foreign service counts either directly under Art. 371 or under the relevant provisions of other Articles of C.S.R. applicable to the substantive holder of a permanent post

[Ar. Genl's Memo No 377 A/120-44 dated the 1st September, 1944, Paragraph 142 of the Punjab Manual]

### AUDIT INSTRUCTION.

When a fresh recruit entertained in an officiating capacity against a vacancy in a cadre is eligible for any post included in that cadre and not merely for the particular post in which he is in fact posted to officiate, the benefit of Art 371 C.S.R. should accrue to him in respect of the vacant post, service in which qualifies under this Article. Similarly, when two or more fresh recruits so eligible are entertained in an officiating capacity, against, for example, one permanent vacancy and one or more leave vacancies in a cadre, it is the senior-most among these officers who should get benefit of that Article in respect of the permanently vacant post, even though he may be posted to officiate not in it but in one or other of the leave vacancies

[Para II A, Sec III of Manual of Audit Instructions (Reprint)]

### Apprentices and Probationers

372. Service as an apprentice does not qualify, except in the following cases :—

Engineer or Examiner Apprentices. Qualified	} In the Public Works and Rail-way Departments.
Students of the Thomason College under practical training who passed out prior to the year 1924.	

Assistant Superintendent Apprentices in the Indian Telegraph Department.

### GOVERNMENT OF INDIA'S ORDERS.

(1) The exception in this Article, refers so far as qualified students of the Thomason College under practical training are concerned to passed students of the Civil Engineering Class of the College under practical training as Engineers (These officers should have retired by now)

[D.O. No E 13 dated the 16th May, 1925 from G.I Industries and Labour, P.W. Br Paragraph 153 of the Punjab Manual]

(2) The President is pleased to decide that the service rendered by an S.A.S. Apprentice in the Indian Audit and Accounts Department

will be treated as temporary service for the purpose of the benefits in paragraph 7 under Section IV of the Liberalised Pension Rules and will count towards pension to the extent of one half subject to the conditions laid down therein

[GIMF No F 13(74) Adm II/56 dated the 13th August 1956]

The above service if followed by confirmation will count in full as qualifying service under proviso to Art 368

**373** The service of probationer who holds a substantive office and draws substantive pay qualifies. So does that of an officer who is on probation for a substantive office if he is employed in a vacancy reserved for him pending probation and in which no other officer simultaneously counts service

### GOVERNMENT OF INDIA'S ORDERS

(1) A man having no substantive appointment officiating for some time in a vacancy caused by the absence of the permanent incumbent can count his officiating service even if his subsequent probationary service in which he was engaged in continuation of his officiating service fails to satisfy the conditions of Art 373 and hence does not qualify

[GI No 3084 F dated the 13th May 1904 Paragraph 129 of India Supplement]

(2) Probationary Service not followed by confirmation does not qualify for pension

[GIFD No 1620 dated the 31st March 1908 and GIFD No 6786 CSR dated the 22nd December 1925]

NOTE—[It has been decided by the Auditor General with the concurrence of the Government of India that the above orders do not debar a Government servant from counting his probationary period for pension though he is confirmed in a post other than that in which he was appointed on probation]

[Ar Genl's letter No 316 A/153 39 dated the 27th June 1939 Paragraph 130 of India Supplement]

(3) See Government of India's order No (1) below Art 375

(4) On being confirmed in his appointment a probationer of the Indian Agricultural Service will become eligible as from the date of his arrival in India for pension

[GIFD No 3084 F dated the 13th May 1904]

**374** Police probationers and temporary and officiating Assistant Superintendents of Police in all Provinces count their service as follows —

\* (1) If recruited in England—from the date from which they draw pay

(2) If recruited in India under the orders in Secretary of State's despatch No 14 dated 15th March 1894—from the date of assuming charge of their appointments

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\*Applies to officers under the rule-making control of the Secretary of State.

- (3) If recruited in India before the date of the orders of 1894 mentioned in (2) above—from the date either of attaining the age of 20 years or of assuming charge of their appointments, whichever is later, provided that the service has been continuous.

**375. The service of :**

- (1) Probationary, officiating and temporary Deputy Magistrate—Collectors and Sub-Deputy Collectors in Bengal, Bihar and Orissa and Assam,
- (2) Probationary, officiating and temporary Deputy Collectors in the United Provinces,
- (3) Probationary, officiating and temporary Extra Assistant Commissioners in the Punjab and Assam, and
- (4) Officiating and temporary Extra Assistant Commissioners in the Central Provinces.

Counts for pension from the date on which all the three following conditions are fulfilled, namely :—

- (a) Two years' continuous probationary or officiating service as such has been rendered ;
- (b) Departmental examinations have been fully passed ; and
- (c) The age of twenty years has been attained.

**NOTE**—[The above conditions do not apply to Deputy Collectors and Sub-Deputy Collectors who began service in the Settlement Department on a temporary footing and were promoted to be probationary or officiating Deputy Collectors or Sub-Deputy Collectors in the provincial and subordinate civil services. Such officers are allowed to count the whole of their continuous service for pension from the date of their first appointment in the Settlement Department.]

[The officers to whom Notes 2 and 3 apply have since retired and therefore, these have been omitted.]

**GOVERNMENT OF INDIA'S ORDERS.**

(1) A Government servant holding a substantive appointment in one office and transferred as a probationer on a subsistence allowance to another office may count toward leave and pension his services in the latter capacity. It is essential, however, that the officer should retain a lien on his substantive appointment so that he may return to it in the event of his not being confirmed. Moreover as under Art 355 (b) C.S.R. two officers cannot simultaneously count service in respect of the same office, no other officer may either be confirmed in the appointment substantively held by him or count for pension his service in that department.

[G.J.F.D. No. 59 C.S.R. dated the 15th May, 1912, Paragraph 155 of the Punjab Manual.]

(2) Probationary service as E.A.C. followed by officiating service as such, may, with the sanction of the Provincial Government, be allowed to count towards pension under the orders conveyed in the Secretary of State's telegram No 193, dated the 28th January, 1920, and No 3351, dated the 15th September, 1923.

[Paragraph 158 of the Punjab Manual.]

### Permanent Officer deputed

376 An officer on a permanent establishment detached on temporary duty on the understanding that when the temporary duty (*means duty in a temporary post*) ceases, he will return to that permanent establishment, counts his detached service

### GOVERNMENT OF INDIA'S ORDERS

(1) A permanent officer doing temporary duty counts his detached service in respect of his permanent appointment and not in respect of his temporary duty. (See Ar Genl's order (1) below Art. 370)

[G I F D 1009 P dated the 3rd March, 1897, Paragraph 159 of the Punjab Manual] (Imp)

(2) When under Art 89, a local Government suspends the lien of an officer on his substantive appointment he counts service for pension in respect of the *quasi* permanent appointment he actually holds and consequently his *locum tenens* counts service in respect of his substantive provisional appointment

[G I F D No 5040 P dated the 8th September 1905 Paragraph 160 of the Punjab Manual] (Imp)

(3) When a temporary appointment subsequently becomes permanent it should be treated as having become permanent with retrospective effect from the date it was created

A permanent officer holding the temporary appointment, therefore counts service for purposes of pension in respect of the temporary appointment he actually held and his *locum tenens* counts his active service under Art 371 C S R

[G I F D No 632 P dated the 4th February 1909 Paragraph 151 of the Punjab Manual]

(4) The expression 'temporary duty' occurring in this Article means duty in a temporary post

[G I F D No 385 C S R /26 dated the 8th February 1927]

(5) This Article refers to cases of officers detached on duty in temporary appointments and does not cover the case of an officer officiating in permanent non pensionable post

[G I F D No F 385 C S R dated the 8th February 1927, *vide* Note under Paragraph 133 of India Supplement]

(6) The Government of India have decided with the approval of the Secretary of State that service rendered by Civil Assistant Surgeons as temporary officers in the I M S whether before or after 1921, should be allowed to count for leave promotion and pension under the Civil Rules on their reversion to civil employment

[G I Army Dept No Z 7602 2 D M S I dated the 13th November 1929, Paragraph 162 of the Punjab Manual]

(7) The periods of deputation in a permanent non pensionable establishment should be allowed to count whenever both the following conditions are fulfilled —

(i) The period of deputation is not more than 3 years, and

- (ii) The salary in the non pensionable appointment is not over 25 per cent in excess of the substantive pay in pensionable establishment

[A G Bengal's decision in the Bengal Supplement to C S R Paragraph 163 of the Punjab Manual]

(8) The temporary post created under F R 127 is an addition to Government Establishment itself and if a Government servant happens to hold that post he would still count service for pension in his permanent post alone and not in the temporary post *vide* Art 376 C S R

[G I F D U O No 6588 EV/51 dated the 25th September 1951] (Imp)

### AUDITOR GENERAL'S ORDERS

(1) An officer whose lien has been suspended under F R 14 (b) will count his service under this rule in respect of his permanent post and his *locum tenens* who has been made provisional in his place will be treated as permanent for all purposes except of pension

[Ar Genl's U O No 101 A/51 42 dated the 2nd February 1942 Paragraph 134 of India Supplement]

(2) Until the 29th May, 1934 when F R 13 and 14 were revised, provisional substantive service should be regarded as qualifying under the provisions of C S R. Such provisional service automatically counts as service qualifying for pension and may in future be taken into account in working out the total qualifying service on the basis of the entry of provisional appointment in the service book

Provisional service after the 29th May 1934 in continuation of provisional service before that date without interruption should also be taken into account in working out the total qualifying service

[C & Ar Genl's letter No 5402 GE/403 55 dated the 8th August, 1955]

377 The preceding Article permits the temporary suspension of the second condition of qualifying service which forms the subject of this Section it does not authorise any relaxation of the first condition (Section II) or the third condition (Section IV), and in particular must not be understood to countenance any modification of the rules in Part VII, which apply to an officer on Foreign Service

378 Service as Private Secretary to the Governor General, a Governor or a Lieutenant-Governor qualifies provided that the officer belonged, before his appointment as Private Secretary, to the Civil Service of Government whether the Indian Civil Service or not

### Substantive Office Abolished

379 If the substantive office of an officer is abolished within the meaning of Article 426 but the officer is, at the time on special duty or is on abolition of his office deputed on special duty, his service on special duty qualifies but the duty must be *special mere*



employment, in continuation of permanent employment, in a temporary appointment which happens at the time to be vacant, does not qualify.

NOTE—[The service of an officer of the Marine Service continues to qualify when, upon the abolition of his appointment, he is retained on subsistence allowance or in an acting appointment]

### Piece-Work

380. A Press servant, who is paid for piece-work, is treated as having held a substantive office, if—

- (i) he is employed, not casually, but as a member of a fixed establishment; and
- (ii) during the last seventy-two months of his actual employment he has been attached to one office uninterruptedly for twenty-four months, or it has not been through his own choice or misconduct that he has not been so attached.

### Surveys and Settlements

381. (a) The service of an officer not merely temporarily engaged in the undermentioned Settlement and Survey Departments which are (or were) on a *quasi*-permanent footing qualifies:—

The Settlement Departments in Madras, Burma, the Punjab and the Central Provinces and Berar. The revenue Survey Departments in Bengal, Madras and Bombay. The establishments of the Inam Commissioners of Madras and Bombay. The Alienation Settlement Department in Bombay. The Malabar Escheat Establishment, Madras.

(b) Except in the regular Departments and to the extent above specified, Settlement and Survey service does not count unless it is followed, without interruption, by qualifying service. Settlement Service followed, without interruption, by pensionable service paid from a Patwari Fund also qualifies.

(c) Service as measurers employed in the record-of-rights work in Berar counts when such service is followed without interruption by qualifying service.

NOTE 1—[From the dates mentioned, the following posts have been declared to be on a *quasi* permanent footing.]

(a) In a Settlement Office in the United Provinces from 1st October, 1899—

Head and Second Clerk  
Sadr Munsarim

Settlement Officer's Reader  
Nazir and Record keeper

(b) In the Settlement Establishment in Baluchistan from 1st September, 1904,

Superintendent (pay Rs. 150), 1 Deputy Superintendent (Pay Rs. 90), 1 Deputy Superintendent (pay Rs. 75), 2 Munsarims (pay Rs. 50 each), 2 Munsarims (pay Rs. 40 each), 1 Head Clerk (pay Rs. 90), 1 Second Clerk (pay Rs. 65), 1 copyist (pay Rs. 50), 1 Sarishtadar to Settlement Extra Assistant Commissioner (pay Rs. 65), 1 Muharrir (pay Rs. 40), 1 Nazir (pay Rs. 30), 1 Sarishtadar to Settlement Superintendent (pay Rs. 40), 1 Nazir to Settlement Superintendent (pay Rs. 30).

Service in these posts qualifies from the dates mentioned or from any previous date from which the incumbents on 1st October, 1899 or 1st September, 1904 (as the case may be) may have been serving substantively and without interruption in one or other of them ]

NOTE 2—[Continuous service as Inspector, Surveyor Holding Marker, Draughtsman Computer and Clerk belonging to Special and Revision Survey parties in Burma qualifies ]

## GOVERNMENT OF INDIA'S ORDERS

### *Settlement Service*

(1) The term 'Settlement Service' includes all Settlement Service even if paid from a contingent grant

[G I F D, No 85 P dated the 8th January, 1908 Paragraph 168 of the Punjab Manual ]

(2) The Provincial Government is competent to condone under Art 422 C S R an interruption between an officer's non-qualifying service in the Settlement Department and his subsequent qualifying service in order to make the former service qualifying under this Article

[G I F D No 100 C S R dated the 3rd January, 1918, Paragraph 167 of the Punjab Manual ]

(3) When temporary service in the Settlement Department is interrupted on account of discharge consequent on the completion of work, and then again on account of resignation of a temporary appointment to which he was appointed, the rule in Art 422 (ii) does not apply as the Article clearly refers to permanent service

(4) Service in the Settlement Department followed by qualifying service intercepted by leave without pay at the beginning of qualifying permanent service, qualifies, even if the applicant was paid from contingencies in the Settlement Department

[Paragraph 138 of India Supplement ]

### *Surveys and Settlement Service*

(5) As Article 381 (b) C S R does not specifically limit the subsequent qualifying service in Surveys and Settlements, temporary service in the Survey Department followed by qualifying service in any other Department counts for pension

[G I E H & L No F 426 33 F dated the 11th January, 1934, Paragraph 139 of India Supplement.]

### *Survey Service.*

(6) The term Survey Service includes the service rendered by the ministerial officers of the Survey of India Department.

392 Deputy Collectors and similar gazetted officers, when not especially employed for temporary work, are not effected by the preceding article, as they count service independently of the particular department to which they happen for the time to be attached.

### Exception

383. A medical officer in charge of a Government vessel may count *his service afloat, if he is transferred, without interruption of his service, to the Civil Medical Service.*

384. Officers transferred from the Extra or Contingent List of the Customs Preventive Service in Burma or in Calcutta count their service on that list, provided the Collector declares that the transfer is made on the ground of good service rendered.

## SECTION IV—THIRD CONDITION

### Sources of Remuneration

385. Service which satisfies the conditions prescribed in Sections II and III qualifies, or does not qualify, according to the source from which it is paid; with reference to this Article, service is classified as follows :—

- (a) Paid from the General Revenues.
- (b) Paid from Local Funds.
- (c) Paid from Funds in respect to which the Government holds the position of Trustee.
- (d) Paid by Fees levied by law, or under the authority of the Government, or by Commission.
- (e) Paid by the Grant, in accordance with law or custom, of a tenure in land, or of any source of income, or right to collect money.

### General Revenues

386. Service paid from the General Revenues qualifies. The fact that arrangements are made for the recovery, on the part of the Government, of the whole, or part, of the cost of an establishment or officer, *does not affect the operation of this principle : Provided that the establishment or officer is appointed, controlled, and paid by the Government.*

NOTE —[In making arrangements for the recovery of cost of establishments, it should not be forgotten that Government has to bear not only the immediate cost, but also that of the leave allowances and pensions (See Article 783) ]

*Examples* —(a) The Shipping Master and Deputy Shipping Master, and their establishments at Bombay and Deputy Shipping Master in Calcutta, the cost of which offices is provided for by shipping fees.

(b) The establishment of the Hughly College and Collegiate Schools while the cost thereof was borne by the Mohsin Trust Fund and also that of the Elphinstone College and High School and some other Government Medical and Educational Institutions in Bombay, a portion of the cost of which is recovered from private endowments.

(c) Masters and Assistant Masters in Schools established in Bombay on the 1 system (converse to the grant in aid system) whose pay was met in part by local

contributions. The pension in this case is reckoned only on the share of pay paid by Government.

(d) The establishment of the Sehore (Bhopal) School, the expense of which is paid in part by local subscriptions

(e) Certain Customs establishments in Bombay, the cost of which is paid for by private companies

(f) When Police Officers are entertained at the cost of individuals and corporate bodies, an additional charge of one fourth of the pay of officers whose pay is not less than Rs 100 a month, and of three sixteenth of the pay of others, must be defrayed by the persons for whose benefit the officers are employed. Provided always that the additional charge shall not be made when such officers do not belong to the regular Police, but are only temporarily engaged, their service not counting for pension; or when the pay of the officer is a charge upon the General Revenues. [See Article 495 (b).]

(g) An establishment of the Accountant General of the High Court at Bombay whose pay is provided for by a three per cent commission on invested funds in charge of the Accountant General

(h) The office establishment of the Health Officer of the Port of Bombay and the crew of the boat placed at the disposal of that officer, a portion of whose pay is paid by the Bombay Port Trust.

(i) Certain additions to the Government establishment in the Bombay Presidency e.g., the Accountant General, Commissioners, Surgeon General, Bombay, Surgeon Colonel in Sind, Inspectors of Schools etc., the cost of which is met from the General (Provincial) Revenue which are recouped by recoveries from the several Local Funds concerned

387. The service of members of office establishments in the Railway Police in Bombay, who are wholly paid by the Railway Companies, qualifies.

388. Service which was paid wholly or partly from the Revenues of Berar before 1st October, 1902 qualifies for pension from General Revenues.

389. (a) In the case of officers who, having no status in the service of the British Government, apart from their particular employment in Mysore, were employed in Mysore and transferred to the British service proper before 1st October, 1882, the pensions granted are charged according to the Rule of Proportions.

(b) Pensions for service in Mysore prior to 1st October, 1882, of officers who had a status in the service of the British Government, apart from their particular employment in Mysore, are paid wholly from British Revenues

## GOVERNMENT OF INDIA'S ORDER.

In counting towards pension the past service of the Mysore state servants taken into the British Railway Police, Mysore, the Government of India agree to the application to them of the Rule of Proportions

[G I For D No 2117 G dated the 15th January, 1904]

### Local Funds and Trust Funds

390. Service paid from a Local Fund qualifies, or does not qualify, according to the rules laid down in Chapter XLII.

391. Service paid from Funds which Government hold only as a Trustee such as under a Court of Wards or in an Attached Estate, does not qualify.

#### Fees and Commission

392. Except when fees or commission are drawn in addition to pay from the General Revenues, service in an office paid only by fees, whether levied by law or under the authority of Government, or by a commission, does not qualify.

1. Service as Official Assignee does not qualify.

2. Service as a Thugyi (local collector of revenue paid by commission) in Lower Burma qualifies, but this concession does not extend to Upper Burma.

#### GOVERNMENT OF INDIA'S ORDER.

Service paid from fees and commissions in addition to pay from the General Revenues qualifies under Art. 392 C.S.R. but fees and commissions should not be included in pay to determine, with reference to Art. 396, whether the service is 'Superior' or 'Class IV'.

[G.I.F.D No 544 dated the 4th February, 1886, Paragraph 170 of the Punjab Manual]

#### Tenures in Lands, etc.

393. Service paid by the grant, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money, does not qualify.

394. As an exception to the preceding Article, Watandars (hereditary District Officers) and their deputies in the Kaira Collectorate and in the following talukas of the Panch Mahals, namely:—Godra, Kalol and Dohad, and the Petas of Halol and Jhalod, if transferred to qualifying service, count their previous services.

#### SECTION V.—DISTINCTION BETWEEN SUPERIOR AND INFERIOR SERVICE

395. Qualifying service is divided into SUPERIOR AND INFERIOR.

396. Service rendered in all posts classified as Central Service, Class IV, or Defence Service (Civilian) Class IV, is inferior and service rendered in all other posts is superior :

Provided that the service of a Government servant in (a) an appointment listed in Appendix 7A, or (b) an appointment in which service before 1st August, 1952 counted as superior, shall be treated as superior, if he held that appointment on or before 1st August, 1952.

#### GOVERNMENT OF INDIA'S ORDERS.

*Change in status from Class IV to Superior.*

(1) When the pensionary status of an appointment is changed from 'Class IV' to 'superior', it is to be assumed that the change has retrospective effect

[Paragraph 171 of the Punjab Manual]

(2) The period during which an officer holding a substantive appointment, which is pensionable on the superior scale, officiates in an appointment, which is pensionable in the Class IV scale, should be reckoned as superior service

[G I F D No 6435 P, dated the 5th December, 1902, Paragraph 178 of the Punjab Manual]

*Effect of change in status from 'inferior' to 'superior'.*

(3) When issuing orders changing the status (from Class IV, to 'superior') of an appointment paid for from Central Revenues, the date from which the change is to take effect unless indefinite retrospective effect is intended to be given by the sanction, may be indicated in the order itself

[G I F D No F.12 11 R. II/34, dated the 10th<sup>th</sup> May, 1934, Paragraph 172 of the Punjab Manual]

*Classification of Class IV servants.*

(4) All posts whose pay (if fixed) or maximum pay in the scales prescribed under the Central Civil Services (Revision of Pay) Rules, 1947, does not exceed Rs 60 per month should ordinarily be classified as Class IV posts. All services and posts which were classified as subordinate and subsequently designated as Class III or Class IV services or posts should be re-classified in accordance with Ministry of Home Affairs Office Memo No 299/46 Ests, dated the 15th April, 1947. Any new posts to be created hereafter should also be classified in accordance with these instructions. The classification or reclassification in these cases may be effected by the Ministries concerned without reference to the Ministry of Home Affairs, a reference to that Ministry being made only when it is proposed for any exceptional and special reasons to be specified to classify a post, whose maximum pay does not exceed Rs 60, in Class III

To safeguard the position of existing incumbents of certain posts whose pay or maximum pay does not exceed Rs 60 but which at present carry Class III status it has been decided that the reclassification of posts as above shall not adversely affect the position of such existing incumbents and that they shall continue to enjoy Class III status as personal to them even though the posts held by them may as a result of these orders be included in Class IV

[G I M H No 42/19/47 Ests dated the 15th October, 1948]

(5) There is no special consolidated list of posts classified as Central Service Class IV or Defence Service (Civilian) Class IV with the Government of India. In accordance with order No (4) above all posts whose pay (if fixed) or the maximum of whose pay is in the scale prescribed under the Central Civil Service (Revision of Pay) Rules, 1947, does not exceed Rs 60 per mensem should ordinarily be classed as Class IV posts. Similar orders in respect of Civilians in Defence Services are contained in Defence Service (Classification, Control and Appeal) Rules, 1952. Therefore, in the case of

all such posts, unless otherwise indicated, the presumption should be that, they are classified as Class IV and when the officer retires from such posts he should accordingly be allowed pension etc in the scale applicable to Class IV servants.

[G I M F. No F. 21 (I) EV/53 dated the 13th May, 1953]

(6) Refer to G. 1. order below Art. 503 C.S.R.

397. *Cancelled.*

#### **Service partly Inferior and partly Superior**

398. An officer whose service has been for some time Inferior and for some time Superior may either count :—

- (a) the whole as Inferior towards pension or gratuity on the Inferior scale, or
- (b) the Superior portion towards pension or gratuity on the Superior scale and the Inferior portion towards gratuity on the Inferior scale.

Under (a) the pension or gratuity is calculated on the pay (whether in Superior or Inferior service) which the officer drew immediately before his retirement.

Under (b) the pension or gratuity on the Superior scale is calculated upon the average emolument or emoluments respectively which the officer drew when last in Superior service, and the gratuity on the Inferior scale upon the pay which he drew when last in Inferior service:

Provided that the pension or gratuity on the Inferior scale, granted under Clause (a), the pension or gratuity on the Superior scale plus the gratuity on the Inferior scale granted under Clause (b), shall not exceed what would have been admissible if the whole service had been Superior.

If an officer has been reduced from the Superior to the Inferior Class for misconduct, he cannot have the benefit of this Article, without the special permission of the Local Government.

#### **GOVERNMENT OF INDIA'S ORDERS.**

##### *Service partly Class IV and partly Superior.*

(1) The case of an officer who has rendered 30 years' qualifying service on the Class IV scale in addition to qualifying service of less than 10 years on Superior scale falls under Clause (a) and not under Clause (b) of Art. 398 C.S.R. and he is entitled to a pension only under Clause (a).

[G I F D No 2994 P, dated the 29th June, 1895, Paragraph 170 of India Supplement]

(2) An officer claiming a superannuation pension for his Superior service under Art 464 can, under Art 398 also be granted a separate invalid gratuity for his Class IV service previously rendered by him, without submitting a medical certificate of unfitness for further service

[G I F D No 1194 P, dated the 17th March, 1896, Paragraph 179 of the Punjab Manual]

(3) The concession allowed by Arts 423 (3) and 398 cannot be combined, and if an officer elects to count the superior and class IV portions of his service separately, the portions of the service counting for pension under the superior and class IV scale should be the portions actually passed in service, and not periods calculated by first applying the rule regarding condonation of deficiency in superior service in consideration of additional class IV service

[G I F D, No 1757 P, dated thd 18th April, 1896, Paragraph 181 of the Punjab Manual ]

(4) The power possessed by a Provincial Government regarding the condonation of deficiencies in service under Art 423 (1), may be exercised in cases in which the amount of pension or gratuity is regulated by Art 398

[G I F D, No 5379 P, dated the 21st December, 1896 Paragraph 182 of the Punjab Manual ]

*Officers reduced from Superior to Class IV Service for misconduct.*

(5) The last sentence of Art. 398 C S R refers to clause (b) and not to clause (a) of that Article

[G I F D, No 718 P, dated the 9th February, 1900, Paragraph 183 of the Punjab Manual ]

*Option under this Article and the New Pension scheme*

(6) An officer who elects under clause (b) of the above Article the counting of superior portion of his service towards pension and gratuity on the superior scale and inferior portion towards the gratuity on the inferior scale will reckon only on the pay which he drew when last in inferior service. An officer who elected alternately under clause (b) of this Article, the death *cum* retirement gratuity under the Liberalised Pension Rules will have to be reckoned separately for the inferior and superior portions of his service

[G I M F No F 15(11) EV/52, dated the 12th November, 1952 ] (Imp)

(7) The option in this Article can also be exercised under the New Pension Rules, 1950

If, however, an officer dies without exercising the option allowed by this Article, the family of the deceased Government servant will be allowed pension and/or gratuity either under clause (a) or under clause (b) above whichever is more favourable

(8) A class III officer who had rendered service in class IV prior to the 1st October, 1938 should also have the option allowed under the new pension scheme. But if he elects to count his whole service as inferior towards pension and gratuity at the inferior scale under the above Article, his option under the new pension scheme to be governed by the old pension rules virtually becomes obsolete and his pension is calculated only under the new rules

[G I F U O No 2488 EV/54 dated the 20th April, 1954 ]



(9) Though Liberalised Pension Rules do not provide for an option to retain old rules in respect of pre-1938 entrants of Class IV, it does not debar those who had been promoted to Class III before the 17th April, 1950 from drawing their pension as for class IV servants under old rules when they elect to do so under Art. 398 (a) above, and have opted for old rules.

[G.I.M.F.U.O. No. 308-EV/52, dated the 4th March, 1952.]

## AUDIT INSTRUCTION

If a Government servant who has exercised an option under this Article, on reconsideration desires to change it, he can be permitted to do so at any time before the pension/gratuity is sanctioned and operated on

[Paragraph 13-A of Section III of the Manual of Audit Instructions]

399. The claims of an officer, promoted from an Inferior to a Superior grade as a reward for meritorious service, will be specially considered by the Government of India or by the Local Government under whom the officer is serving. This rule is to be strictly interpreted and a claim under it can be founded only on exceptional promotion made out of the ordinary course.

### Exceptional Cases

400. If an officer holds two or more offices, each of which is Inferior by reason of its pay not exceeding Rs. 10, he cannot count service as Superior on the ground that his aggregate pay exceeds Rs. 10 unless the offices were arranged and their pay determined with the intention that they should be held by one individual.

401. The service of a postman or village postman, whatever his pay, is superior service.

402. (a) When the regular duties of an officer whose pay exceeds Rs. 10 but who bears an Inferior designation, are really such as are ordinarily performed by a Superior servant, his claim to pension should be specially referred to the Local Government.

NOTE—[It is not intended by this Article that an Inferior servant should count service as Superior in virtue of his voluntarily assisting in Superior work. It provides for the case of a person who is engaged under due authority to do Superior work, though with an Inferior designation.]

( ) On the other hand, an officer whose real duties are those of an Inferior servant, even though his pay exceeds Rs. 10, is not entitled to pension on the Superior scale merely because he draws pay under a Superior designation.

Examples—Accountants in the Province of Agra who served under the designation of "Potdars" A Lithographic Pressman designated as a "Copying Clerk"

## Chapter XVII—Rules for Reckoning Service

## SECTION I—SPECIAL ADDITIONS

## Special Appointments

403 *Cancelled*404 *Cancelled*

404A For officers mentioned in Article 349A, the concession of adding to qualifying service is as follows —

In the case of the Agriculture (Imperial), Educational (Imperial and Provincial Services), Principal and Assistant Masters recruited by the Secretary of State for service at the Prince of Wales Royal Indian Military College, Dehradun Civil Veterinary (Imperial), Factory and Boiler and Smoke Nuisances Inspection Indian Mines, Mint and Assay, Geological Survey and Meteorological Departments, the Provincial Judicial Services, Distillery Experts in the Salt and Excise Departments, the Director of Commercial Audit, officers of the Zoological and the Archaeological Departments, Superintendents of Provincial Governments' Presses, the Second Solicitor to the Government of India, Commander, Chief Engineer and First Officer of the Indo European Telegraph Department attached to the Cables ship *Patric Stewart* and Medical Superintendent of the Indo European Telegraph Department in the Persian Section, Presidency Magistrates, Judges of the Small Cause Court at a Presidency Town and at Rangoon, City Civil Judge, Madras, Superintendent of Government Museum and Principal Librarian of the Connemara Public Library, Madras, Registrars of Joint Stock Companies for Bengal and Bombay, First and Second Assistant Secretaries to the Government of Bengal, Legislative Department and Assistant Secretaries to the Bengal Legislative Council, Port Officers in Madras Presidency not belonging to the Royal Indian Marine, Deputy Superintendent and Permanent of Legal Affairs Bengal, Superintendent,\* Government Printing, India Deputy Superintendents and Managers of Government of India Presses, the Resident Engineer, Government Dockyard, Dawhong, Rangoon the Press and Forms Manager, Bengal, Mathematical Adviser to the Survey of India the Sub-Divisional Magistrate and Additional Magistrates, Rangoon, Director Civil Aviation in India,† Principal and Vice Principal, Government College, Ajmer, Deputy Shipping Masters, Bombay and Calcutta when held by persons recruited from the Merchantile Marine, Registrar Original side, Calcutta, Official Referee and Master, Calcutta, Registrar in Insolvency, Calcutta, Deputy Registrar Original side, Calcutta, Assistant Referee and Master, Calcutta, Secretary to the Chief

\*Now styled Managers Government of India Presses Calcutta Aligarh Simla and Delhi

†Takes effect from 1st, October, 1931

*Justice, Calcutta, when recruited from the Bar, Manager and Chemist, Cordite Factory, Aruvankadu, and of such other appointments as may be definitely specified in this behalf in other Departments, except those included in clause (i) of Article 474A, in which recruitment is likely to take place normally after 25 years of age, officers recruited over that age may add to their service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding five years by which their age at recruitment exceeded twenty-five years. This concession will not be granted to individual officers appointed at an age exceeding twenty-five years to Departments or appointments other than those included above. No officer can claim the benefit of this Article unless his actual qualifying service at the time he quits Government service is not less than ten years.*

**NOTE**—[The extra years conceded in this Article count towards the limit of 23 years, qualifying service prescribed in Article 475A]

1 The Provisions of this Article apply to members of the Bar *directly appointed* before 23rd February, 1937 to judicial posts ordinarily reserved for members of the Indian Civil Service, but, in their case, the maximum period to be added will be ten years

2 The provisions of this Article do not apply to an officer recruited on or after 23rd February, 1937, for service as Principal or Assistant Master at the 'Prince of Wales Royal Indian Military College, Dehra Dun, nor to officers appointed or on after that date to the posts of Manager and Chemist, Cordite Factory, Aruvankadu

3 The provisions of this Article also do not apply to officers of the Departments and holders of the appointments mentioned therein, who are under the rule making control of the Governor General in Council and are recruited on or after 8th July, 1937

## GOVERNMENT OF INDIA'S ORDERS

### *Meaning of 'Directly appointed'.*

(1) 'Directly appointed' used in Rule 1 above means "first appointment to a post ordinarily reserved for members of the I.C.S. provided that service previous to such appointment shall not count as service for superannuation pension".

[G I Home Deptt No 56/40 Judicial, dated the 23rd September, 1940, Paragraph 185 of the Punjab Manual]

### *Benefit of this Article under New Pension Scheme.*

(2) If a Government servant who is already eligible under the conditions of his service to period of qualifying service under the above Article for the purposes of superannuation pension has elected to come under the New Pension Scheme, he will be eligible for purposes of both the Superannuation Pension and Death *cum*-retirement gratuity under the New Scheme

Officers recruited to all the posts listed in the above Article after the 8th July, 1937 will not, however, be eligible for benefit of that Article either under the existing rules in the C.S.R. or the New Pension Rules.

[G I M F No. F. 24 (3) EV/52, dated the 12th February, 1952.]

(3) It is not permissible to determine the eligibility for and the amount of death *cum* retirement gratuity or family pension on the basis of total qualifying service including the addition under the above Article in cases where a Government servant dies while in service. In cases where a Government servant retires on attaining the age of the superannuation the death *cum* retirement gratuity will be calculated on the total service including the addition under this Article. Similarly, when death occurs within 5 years of retirement on a superannuation pension a family pension will be admissible subject to the usual conditions on the basis of the total qualifying service including this addition.

The question of extending the benefit under this Article for the purpose of computing total qualifying service in all cases of retirement (also other than on superannuation) with a view to the granting of benefits under the New Pension Scheme has also been examined. It has also been decided that it would not be appropriate to determine the qualifying service under this scheme on a basis different from that prescribed in the relevant rules in the C S R, which have not been modified in this regard.

[G I M F No F 24 (45) EV/52, dated the 24th February 1952]

*Interpretation of the term, age of recruitment*

(4) The Government of India in consultation with the Comptroller and Auditor General have decided that the term 'age of recruitment' in Art 404A C S R should be interpreted as the date of commencement of continuous service whether in a substantive or officiating capacity in a post to which that Article applies all service (if any) rendered by the officer before attaining the age of 30 years (or before the date of his continuous appointment to such a post whichever is earlier) being ignored. In coming to this conclusion the Government of India feel that the decision will work equitably in most cases and it will obviate the following objections —

- (a) counting for pension the earlier qualifying period if any, twice over and
- (b) adoption of a hypothetical date for determining the age at recruitment

The benefit of Art 404A C S R will not be admissible in a case where the officer is initially appointed to a post not included in that Article but is subsequently appointed to such a post.

[G I M F No F 7 (17) EV/52 dated the 24th June 1952]

(5) Where an individual initially joined a post not enlisted in the above Article and later on appointed as a result of direct recruitment or through departmental promotion to one of the posts in the list the inference should be that necessary qualifications were acquired by him in the course of and by virtue of service in the previous post or had already been acquired before he joined any

post under Government The concession should not be admissible under such circumstances.

[G I M F No 4856 EV/57 dated the 18th December 1957]

*No significance of Note below this Article.*

(6) Note below Art 404A was inserted for the first time in 1910 The provisions of compulsory retirement contained in Art 459 which held the field at that time is not exactly the same as that in Fundamental Rules 56 which governs the date of compulsory retirement now The provision at that time was merely that an officer who has attained the age of 55 years may be required to retire by the Local Government under which he is employed Even when he has attained the age of 60 years he cannot be retained in service At that time there was no distinction in this regard between ministerial and non ministerial Even under the provisions in Art 459 as it stands at present officers other than ministerial also who have attained the age of 55 years should ordinarily be required to retire and should not be retained in service except in cases in which unquestionable public grounds exist Thus under the above provisions of the Rules as then existing the retirement of a Government servant at 55 years at his option is not compulsory retirement whereas when the Government retire him at 55 years it is a compulsory retirement Art 464 C S R. applies to cases where Government servant himself retires at 55 years The intention of Note below Art 404A is that the benefit of this Rule has to be given towards the limit of 28 years in the case of voluntary retirement on Superannuation As the provision of Art 404A is itself restricted for Superannuation Pension only, there is no question of such addition being made in the case of retirement on other kind of pension The date of compulsory retirement is governed by the Fundamental Rules and not by the C S R and the benefit of special additional pension does not in any case apply to a ministerial Government servant This Note has practically lost its significance The Comptroller and Auditor General also agreed with the view

[G I M F No F 7(157) EV/58 dated the 18th December 1958]

## AUDITOR GENERAL'S ORDERS

(1) The date of first officiating appointment should be taken as the date of recruitment for the purpose of Art 404A C S R

[Paragraph 177 of the Ind a Supplement]

(2) The Comptroller and Auditor General holds that the concession under Art 404A is an *ad hoc* concession not earned by any service and is governed by a policy decision of Government If any State Government holds a view different than that stated in decision No 5 above in respect of their own pensioners, he would not press that Government for the adoption of the interpretation put by the Finance Department as this is a matter on which the Central and State Governments are competent to have their own views and interpretations

[Cr & Ar Genl s U O No 34 A/419 57 dated the 7th January 1958]

## AUDIT INSTRUCTION

"Total service" in Art. 408 does not also include the period added to service qualifying for pension under Art. 404A C S R. [Paragraph 18, Section III, Manual of Audit instructions]

\*404B. An officer appointed to a service or post may add to his service qualifying for superannuation pension (but not for any other class of pension) the actual period not exceeding one-fourth of the length of his service or the actual period by which his age at the time of recruitment exceeds twenty-five years or a period of five years, whichever is least, if the service or post is one,

- (a) for which post-graduate research or specialist qualification, or experience in scientific, technological or professional fields is essential, and
- (b) to which candidates of more than twenty-five years of age are normally recruited.

Provided that this concession shall not be admissible to any such officer unless his actual qualifying service at the time he quits Government service is not less than ten years:

Provided further that any such officer who is recruited at the age of thirty-five years or more may, within a period of three months from the date of his appointment, elect to forego his rights to pension whereupon he shall be eligible to subscribe to a Contributory Provident Fund

NOTE —(1) The option once exercised shall be final

(2) The decision to grant the concession under this Article shall be taken by the administrative Ministry at the time of recruitment in consultation with the Ministry of Finance and the Union Public Service Commission. The consultation with the U P S C will fall within their purview

## GOVERNMENT OF INDIA'S ORDER

In granting the concession under this Article, the Administrative Ministry should refer first to the Ministry of Finance. Only cases in which the requirements of the concurrence of the Finance Ministry have been fulfilled, should be referred to the U P S C for advice

[G I M F No F 3(70) EV(A)/61, dated the 8th January, 1962]

405. *Omitted*

406. *Omitted*

## SECTION II—PERIODS OF LEAVE

## Superior Service

407. Except as provided in Article 408, time passed on leave other than Privilege leave, or Subsidiary leave taken under the rules in force prior to 29th July, 1920, does not count as Superior Service.

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\* This Article shall apply in respect of persons who are recruited after the 31st March, 1960

## GOVERNMENT OF INDIA'S ORDERS

### *Study leave.*

(1) Study leave will count as service for pension under Rule II of Study Leave Rules in Appendix No 9 to the Compilation of F Rs Volume II

NOTE—In the case of a Government servant retiring from the service without returning to duty after a period of study leave the study allowance will be forfeited. If the Government servant is under Civil Leave Rules, the Study Leave will be converted into ordinary leave to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of Study leave mentioned above which cannot be so converted will be excluded in reckoning service for pension (Rule 8 of the Study Leave Rules)

[Paragraph 187 of the Punjab Manual]

### *Special leave to officers selected for the Commonwealth*

(2) The Secretary of State for India has decided that Civilian Officers including Indian Medical Service Officers in civil employ appointed to the Commonwealth Fund Service Fellowships should be granted for the period of absence from duty in India special leave on half average pay which would count as service for promotion and pension and would not be debited against the officer's leave account

The above special leave should be treated as analogous to study leave and like Study leave should not be taken into account in calculating service for proportionate pension

[G I F D No F 8(1) R 1/40 dated the 29th November, 1940, Paragraph 189 of the Punjab Manual]

### *Language Leave*

(3) Language leave to the officers of the P W D count as service for pension

[Paragraph 188 of the Punjab Manual]

### *Leave of officers who rendered military service in the Great War*

(4) Sick leave taken by an officer during Military Service will count for pension upto a maximum of 2 years (as in the case of special disability leave) irrespective of whether he was eventually invalided from Military Service or not. If he was invalided from Military Service, any such period of sick leave allowed to count for pension should be deducted from any period of disability leave that might otherwise be admissible to him on his release from Military Service

[G I F D Resolution No F 21 D C S R 24 dated the 28th August, 1925, Paragraph 190 of the Punjab Manual]

*These orders shall have effect from the commencement of the Great War viz 4th August, 1914*

Any increase of pension which was admissible to an officer from the 5th July 1925, shall as a result of this decision have effect from the date of his retirement from service

[G I F D Resolution No 6-VIII/R II 32, dated the 5th March, 1932, Paragraph 190 of the Punjab Manual]

*Special War concession*

(5) Special war concession of absence on full pay for 3 months will count as service qualifying for pension and leave other than P L. It will not count as service qualifying for P L.

[G I F D No 617 C S R dated the 9th July, 1918 Paragraph 189 of the India Supplement]

*Leave under the Fundamental Rules counting for pension*

(6) Any period of leave on average pay not exceeding 4 months, the first 4 months of any period of leave on average pay in excess of 4 months or any longer period to which Government servants may be entitled under the operation of the Note under Rule 81 (b) of the Fundamental Rules shall count as privilege leave whether in calculation of pensions proportionate pensions or additional pension

2 Any other period of leave during which leave salary is drawn shall count as leave with allowances

[G I F D Resolution No 1260-C S R, dated the 21st December, 1921, Paragraph 191 of the Punjab Manual]

(7) In cases when leave on half average pay intervenes two periods of leave on average pay, the two periods of leave on average pay should be treated as one continuous spell of leave on average pay in order to determine whether the whole or the first 4 months of the leave should be treated as privilege leave for purposes of pension

[Ar Genl s No 95 A 327 23 dated the 20th January, 1924, Paragraph 23 of the India Supplement]

(8) In the case of a Government servant on leave on the 1st January, 1922 who has exercised the option given in para 5 of G I F D letter No 1079 C S R dated the 26th October, 1921 and cancelled the unexpired portion of his leave and taken the balance of leave under the Fundamental Rules the period of leave which shall count as privilege leave in the calculations of pensions proportionate pensions or additional pension shall be that which is credited as privilege leave in the leave account made up to the 1st January, 1922

[G I F D Resolution No 1137 C S R dated the 6th July, 1923, Note under Paragraph 191 of the Punjab Manual]

(9) The leave on average pay alternating with deputation out of India should not be split up into different periods separated by deputation but treated as one continuous spell of leave and not more than 4 months in all should count for pension

[G I F D Resolution No F 252 C S R /26 dated the 19th August 1926 Paragraph 197 of the Punjab Manual] (Imp)

*Extent to which leave taken by the Government servants governed by the Revised Leave Rules, 1933 shall count for pension under the C S R*

(10) The Government of India have decided to adopt the following rules.—

(i) Any period of earned leave not exceeding 90 days (120,



days with effect from the 18th April, 1956) in any one spell shall count as 'Privilege leave' in the calculation of service for pension and additional pension

- (ii) Any other period of leave (including earned leave in excess of 90 days/120 days with effect from the 18th April, 1956 in any one spell) during which leave salary is drawn shall count as leave with allowances
- (iii) Earned leave alternating with deputation out of India shall not be split up into different periods separated by deputation but treated as one continuous spell of leave and shall count for pension as under (i) and (ii) above

[G I F D No F 6(12) R II/35 dated the 21st February 1935 and No F II 17 R II 37 dated the 22nd July 1937 Paragraph 206 of the Punjab Manual]

NOTE —[The limit of 120 days mentioned above will apply only for those who retired on or after the 18th April 1956]

[G I F D Resolution No F 11(6) E V/56 dated, the 18th April 1956 and even No dated the 31st October 1956]

### *Leave granted by foreign employers*

(11) Leave granted by foreign employers out of India to Government servants lent to them under F R 123 (a) should be treated as leave and not as duty for purposes of pension. Any such leave, if taken on full or average pay or equivalent terms should up to a limit of four months on any one occasion be treated as Privilege leave for the purpose of this Article and all other leave with allowances should be dealt with as in Art 408 C S R

[G I F D No F 1(a) R I 32 dated the 18th February 1932, Paragraph 205 of the Punjab Manual]

### *War concession earned leave*

(12) War concession earned leave taken in excess of 90 days under orders contained in G I F D No F 12(2) W II/45 dated the 30th July 1945 counts for pension as Privilege leave under this Article instead of as leave with allowances under Art 408 C S R

(13) The Government of India have decided, with the concurrence of the Comptroller and Auditor General of India that the balance of additional leave earned in terms of Para I B of Finance Department letter No F 12(2) W II/45, dated the 30th July, 1945 (referred to in decision 12 above) limited to the following maximum may be carried forward and added to the earned leave accumulated under the normal rules —

- (i) In the case of an officer of non Asiatic domicile in permanent employ recruited in India who has been in continuous service from a date prior to the 1st February, 1949 and who is entitled to the passage concessions—30 days

- (ii) In the case of any other officer (whether permanent or temporary) in Class I, II or III service—30 days
- (iii) In the case of an officer in permanent Class IV service—10 days
- (iv) In the case of an officer in permanent Class IV service who has served in a remote locality—20 days

2 The total earned leave thus accumulated can be taken at any one time and will be treated as privilege leave for the purposes of this Article

[G I M F, No F 7(38) Est IV/50, dated the 5th June, 1950]

(14) A question was raised whether the balance of additional credit for the unavailed portion of additional leave referred to in decision (12) above will also be carried forward over and above the limits laid down in Rules 9 and 10(b) of the Revised Leave Rules as liberalised *vide* Notification No F 7(37) E IV/55 dated the 12th April 1956. It was decided with the concurrence of the Comptroller and Auditor General that the balance of additional credit of unavailed portion of additional leave earned under para 1-B of the letter dated the 30th July 1945, would be available over and above the limits laid down in the Revised leave Rules, 1933 as amended by the F D Notification No F 7(37) Est IV/55, dated the 12th April, 1956

[G.I.M.F No F 7(38) E IV/50 dated the 9th December, 1957]

#### *Refused leave.*

(15) Refused leave granted under the provisions of the Fundamental Rules Revised Leave Rules Civil Service Regulations or under any other corresponding rules shall not, in the cases of Government servants whose pension is regulated under the C S R, count for pension under the provisions of Art 407, Art 408 or any other Article of the C S R.

[G I M F No F 17(8) EV(A)/60, dated the 28th February, 1961]

#### *Counting of leave included in the quasi permanent service.*

(16) The period of leave included in the *quasi* permanent service counts for pension only to the extent admissible under Arts 407 and 408 C S R.

[G I M F No F 12(42) EV/51, dated the 11th January 1952]

### AUDITOR GENERAL'S ORDERS

(1) (i) The Auditor General has decided that an officer of a vacation Department can count so much of any leave on average pay taken in combination with vacation as will make his total vacation and leave on average pay equal to 4 months

[Ar Genl's letter No 45 A/340 22 dated the 17th January 1923 Paragraph 392 of the Punjab Manual] (Imp.)

(ii) In the case of District and Sessions Judges vacations have been treated as series of holidays both in the CSR and the Fundamental Rules. Holidays count for pension and hence the vacation enjoyed by these officers should count as qualifying service for pension.

[C.C.A.'s letter No. T-1114 A. 150-31 dated the 14th September, 1931, Paragraph 193 of the Punjab Manual.]

(2) Hospital, Maternity or Seamen's sick leave on full or average pay whether taken alone or in combination with some other form of leave on average pay counts to the extent of first 4 months. These orders have effect from the 2nd May, 1928.

[Ar. Genl.'s letter No. T-1398 A. (II) 28, dated the 27th September, 1928, Note under Paragraph 199 of the Punjab Manual.] (Imp.)

(3) An official of the Postal Department was on leave on average pay for 6 days from 16.2.1923 to 21.2.1923, on leave on half average pay from 22.2.1923 to 20.3.1923, and on average pay from 21.3.1923 to 23.4.1923. The question arose whether only the leave on average pay for 6 days (which presumably was the amount that was admissible as Privilege leave under the C.S.R. conditions) should be allowed to count as duty for the purpose of assessing the pension admissible or whether the subsequent period of one month and 3 days should also be included as duty. It was decided by the Auditor General with the concurrence of the Government of India that it is not necessary that the 4 months' leave on average pay referred to in the rule must necessarily be the amount that would be admissible as Privilege leave. It was also decided that the two periods of leave on average pay referred to above in which the leave on half average pay intervened, should be treated as one continuous spell of leave on average pay in order to determine whether the whole, or the first 4 months of the leave should be treated as Privilege leave for purposes of pension. This rule has effect from the 1st January 1922. (see decision (7) on page 89.)

[Ar. Genl.'s letter No. 95-96/A-327-23 dated the 8th January, 1924, Paragraph 196 of the Punjab Manual.]

408 Time passed on leave with allowances counts as service as follows —

If the total service of the officer is not less than —	He counts as service a period of leave out of India not exceeding—	He counts as service a period of leave in India not exceeding—
15 years	1 year	1 year
20 "	2 years	"
25 "	3 "	"
30 "	4 "	2 years
35 "	5 "	"

NOTE 1.—[The periods in columns 2 and 3 are not cumulative, that is, an officer may not count two years' leave in 15 years' service or more than four years' leave in thirty years' service. The maximum amount of leave both in and out of India which may be counted is that shown in column 2.]

NOTE 2 —[Total service in this Article means total service reckoning from the date of commencement of service qualifying for pension and includes periods of leave *etc* of all kinds including extraordinary leave ]

NOTE 3 —[For the purpose of this Article, Ceylon and the Straits Settlements are not held to be out of India ]

(2) Notwithstanding anything contained in clause (1), in respect of officers retiring from service on or after 22nd April, 1960, time passed on leave with allowances counts as service as follows —

If the total service of the officer is 15 years      He counts as service period of leave not exceeding —

(i) 15 years and above but less than 30 years

1 year

(ii) 30 years and above

2 years

## GOVERNMENT OF INDIA'S ORDERS

### *Leave out of India*

(1) The leaves of an officer out of India should always be ascertained before a report is made as to his claim to pension

[L S P R 153, dated the 7th November, 1906, Paragraph 179 of the India Supplement ]

### *Interpretation of 'Commencement of Service'.*

(2) The term 'Commencement of service' means "actual commencement of service qualifying for pension in India"

[G I F D No 537-T.I, dated the 7th March, 1906, Paragraph 202 of the Punjab Manual ]

### *Leave of Piece-Workers*

(3) The medical leave of a piece-worker cannot be treated as service under Art 408 C S R, as under Art 408 C S R, he is entitled to no allowance during such leave

[L S P R 5, dated the 12th April, 1905, Paragraph 185 of the India Supplement ]

### *Leave during Military Service*

(4) A period of military service which has been allowed to count as part of service qualifying for pension under civil rules under Art 356 C S R should be included in total service for purposes of this Article

Privilege leave and other leave with allowances taken during the period of military service will count for pension under Arts 407 and 408 C S R respectively, like corresponding leave taken under civil rules

[G I F D No F/12 IV R II/32 dated the 7th March 1932 Paragraph 181 of the India Supplement ]

(5) Except when the term 'privilege leave' is used all leave of whatever description granted during military service should be treated as leave other than privilege leave for the purpose of Art 408 C.S.R.

[Paragraph 182 of the India Supplement.]

### *Interpretation of this Article*

(6) Non qualifying service which may be allowed to count for pension under Art 361A C S R should not be taken into account for the purpose of Art 408 *ibid*, unless such service is treated as permanent for the purpose of leave also. Total service in the latter Article does not include the period added to service qualifying for pension under Arts 403 404 and 404A C S R

[G I F D No F 6 LXXXIX R II/33 dated the 17th November, 1933 Paragraph 195 of the Punjab Manual]

(7) The Secretary of State in Council had decided that war service which is allowed to count towards the pension of post war service recruits to the Indian Services should not be included in total service for the purpose of Art 408 C S R in the case of any service

[G I F D No F 15 XXXV R II/29, dated the 9th November 1929]

### *Total Service*

(8) Total service for the purpose of this Article should be reckoned from the date of commencement of service qualifying for pension and should include periods of leave" but should exclude all periods of non qualifying service (including periods of leave falling during such service) rendered after commencement of service qualifying for pension. The expression periods of leave" should be taken to include leave with allowances as well as extraordinary leave without allowances taken during the course of qualifying service

[G I F D No F 6(83) R II/37 dated the 23rd February, 1938 Paragraph 203 of the Punjab Manual]

(9) For the purpose of computing service under this Article all periods of non qualifying service (including periods of leave) rendered after commencement of service qualifying for pension should be excluded

[G I F D No 6(83) R II/37 dated the 23rd February 1938]

**NOTE** The intent on of the above order is to exclude from "total service" any periods of leave taken during non qualifying service rendered after the commencement of qualifying service

[Paragraph 184 of the India Supplement]

### *Counting of other leaves for qualifying Service*

(10) Leave granted under Arts 336 to 338 C S R, may be treated as qualifying for pension under the provisions of Art 408 C S R, even though under the operation of Art 335 C S R, no leave allowance is drawn

[G I F D No 627 P., dated the 4th February 1905 Paragraph 210 of the Punjab Manual]

(11) Leave on A P on medical certificate granted under the proviso to F R 81 (b) (ii) to a Government servant who subsequently retires should be commuted into leave on half average pay and should count for pension as leave on half average pay

[G I F D No D 559 R II/38, dated the 25th March 1938 Paragraph 198 of the Punjab Manual]

(12) Half pay leave commuted under Rule 11(c) of the Revised Leave Rules, 1933 into half the amount of full pay leave should be treated in the same way as leave on half average pay, and as "leave with allowances" for purpose of Article 408 C S R

[G.I.M.F No 7(82) Est IV/50 dated the 22nd September, 1950]

*Grant of extraordinary leave to retiring persons*

(13) A question has been raised whether extraordinary leave may be granted in continuation of and beyond a period of continuous absence on leave with allowances for 28 months preparatory to retirement in order to enable a Government servant to derive the benefit of counting a longer period of leave with allowances for pension under Art. 408 C S R

2 There can be no question of a Government servant returning to duty on the expiry of his leave preparatory to retirement including extraordinary leave and the grant of extraordinary leave in continuation of the maximum permissible period of leave with allowances preparatory to retirement, merely for the purpose of giving the Government servant the benefit of counting a longer period of leave with allowances for pension under Art 408 C.S.R. is not considered to be justified in any case and should not be granted by the Administrative authorities

3 Action may be taken to ensure that all cases, in which extraordinary leave is applied for by Government servants in continuation of and beyond a period of continuous absence on leave with allowances for 28 months preparatory to retirement are carefully examined with a view to seeing that the Government servants do not intend to derive the unintended benefit of counting a longer period of leave with allowances for pension under this Article. If the authorities competent to sanction leave have reason to believe that an attempt is being made by the Government servant to derive the benefit under Art 408 C S R they should refuse the extraordinary leave in such cases by exercising the discretion vested in them under Fundamental Rules 67 or Rule 4 of the Revised Leave Rules, 1933

[G I M P No F 7(7) Est IV/A/60, dated the 10th February, 1960]

*Counting of continuous temporary service prior to confirmation under Art 408*

(14) Under Paragraph 7 of New Pension Rules one half of the continuous temporary service rendered prior to confirmation counts for pension under the Liberalised Pension Rules, subject to certain conditions. A question was raised whether one half of such temporary service should also be counted for the purpose of computing "total service", as mentioned in column 1 of the table below this Article and for applying the limits prescribed in columns 2 and 3 thereof in regard to counting leave other than privilege leave etc., for pension. It was decided that one half of such temporary service should be counted for computing "total service", as mentioned in Art 408, subject to the same conditions as in paragraph 7 *ibid* and the limits prescribed in column 3 of this Article, should be applied

on that basis. For this purpose, one half of the earlier continuous temporary service rendered prior to the commencement of qualifying service should be added straightway to the 'total service' otherwise computed and the sum total should then form the ultimate 'total service'. It was also decided that all leave with allowances taken during the continuous spell of temporary service should be taken into account for computing the one half of temporary service as mentioned above but that any period of extraordinary leave availed of during that period should be excluded for that purpose.

As a corollary and on the analogy of Article 407 C.S.R., one-half of the period spent on privilege leave or leave on average pay upto 4 months in the one spell or earned leave under the revised leave rules during temporary service will automatically count for pension. One half of other leave with allowances availed of during temporary service will also count for pension along with such leave availed of during permanent and *quasi* permanent service subject to the limits prescribed in Art 408 C.S.R. No portion of any extra ordinary leave without allowance should, however, count for pension in any case.

[G I M F No F 11(28) E V/56, dated the 22nd October 1956] (Imp)

(15) Refer to orders under Art 407 C.S.R.

(16) With effect from the 1st April 1957, the periods of leave taken by Class IV Government servants will count towards qualifying service in accordance with the provision of Arts 407 and 408.

[G I M F No F 25(3) E V(A)/59 dated the 5th February, 1959]

## AUDITOR GENERAL'S ORDERS

It is not intended that from 'total service' extraordinary leave without allowances taken during the course of qualifying service (during which the officer holds a lien on a permanent post) should be excluded [see No (8) on page 94]

[Ar. Genl's letter No 292 A/K.W 6/38 dated the 17th June 1939, Paragraph 184 of the Ind a Supplement]

409 Time passed on Departmental leave by subordinates in the Survey of India in the Bengal and Bihar and Orissa Survey Departments and in the Traverse Survey Party of the Central Provinces whose service is superior counts provided they return to duty when required by their superior officers.

Subject to any general or special order of the Governor General in Council, time passed on Departmental leave without allowances by inferior servants in the Survey of India does not count as service for pension.

NOTE — [Departmental leave granted to Tindals and others under clause (ii) of Art 295 and to inferior servants in the Bengal and Bihar and Orissa Survey Departments employed purely on field works is treated as service qualifying for pension.]

## GOVERNMENT OF INDIA'S ORDER

Departmental leave at the termination of service does not count even in the case of inferior servant as the leave cannot be commuted to leave without pay under Art 421 C S R

[G I 15—G R dated the 24th April 1908 Paragraph 191 of the India Supplement]

**410** Time passed on leave obtained to be present at an examination which must be passed before an officer is eligible for higher subordinate appointments such as Deputy Magistracies, counts—(See Art 285)

## AUDIT INSTRUCTION

Leave granted to Engineer officers not appointed from any Civil Engineering College in India, under paragraph 110 of P W D Code (10th Ed) and periods spent by such officers after the 31st December, 1921 by permission under any rule or order in preparation for passing obligatory examinations in vernacular languages should be treated as "duty" for purposes of pension

[Paragraph 192 of the India Supplement]

**411** The Government of India may at its discretion decide in the case of an officer (including a person in training for, but not actually appointed to, Government service) who is selected to undergo a course of training, whether the time spent in training shall count as service qualifying for pension. A Local Government exercises similar powers in respect of officers serving under it

**NOTE 1**—[The Government of India and Local Government may delegate their power under this Article to Heads of Departments as regard officers serving under them]

**NOTE 2**—[The Government of India or a Local Government may issue general orders under this Article in regard to any specified class of officers under training]

## GOVERNMENT OF INDIA'S ORDERS

(1) The Auditor General has been vested with the powers of a Local Government under Art 411 in respect of non gazetted officer under his control

[Paragraph 193 of the India Supplement]

(2) The periods spent in training and on the journey to and from the place of training will be treated as duty for purposes of civil leave, pension and increments of civil pay in respect of Reservists of the Royal Indian Fleet Reserve called for periodical training

[G I Defence Dept Navy Br No 658 N dated the 15th May 1940, Paragraph 194 of the India Supplement]

(3) Time spent by the Police subordinates in pensionable service while undergoing instructions will count as service for pension

[G I D No 3655 P dated the 14th June 1907 Paragraph 195 of the India Supplement]



(4) The term 'Police subordinates' in the orders contained in G I H D No 916-25, dated the 27th September, 1904 includes also candidates for direct appointment to the Subordinate Police Service. The time spent by the Police subordinates in pensionable service while undergoing instructions shall count as service for pension and they should be treated as on duty

[Paragraph 196 of the Ind a Supplement ]

(5) Officers holding pensionable appointments in other departments of Government service who may be appointed Deputy Superintendents of Police count as service for pension the time spent in the training school. Candidates for direct appointment who are not already in pensionable Government service may, similarly on confirmation as Deputy Superintendents, count the period of that training as service for pension

[G I F D No 5820 P, dated the 18th September, 1907, Paragraph 197 of the Ind a Supplement ]

(6) Teachers in Ajmer Merwar who may be deputed to receive training in the Training Institutions of other provinces may be allowed to count for pension the time spent in the course of instruction

[G I F D No 7716 dated the 26th December, 1907, Paragraph 198 of the India Supplement ]

(7) *Period spent in training in England counts for pension*

[S S Depatch No 35 Public dated the 15th June 1922, Paragraph 220 of the Punjab Manual ]

(8) Service of a Government servant in the Indian Defence Force will count for pension

[Madras Supplement ]

### Deputation out of India

412 When an officer is deputed out of India on duty, the whole period of his absence from India counts. When an officer on leave out of India is employed, or is detained after the termination of his leave, on duty, the period of such employment or detention counts.

#### *Secretary of States' Order*

Periods of deputation converted into leave count for pension as leave and not as deputation

[Ind a office No F 4012 25 dated the 14th September, 1925 ]

### Recall to Duty

413. Time spent on the voyage to India by an officer who is recalled to duty before the expiry of any recognized leave out of India counts, provided his return to duty is compulsory (*see Art 199*)

### Inferior service

414. An Inferior servant counts leave with and without allowances not exceeding in the aggregate that which might be given with allowances under the rules in Chapter XII and XIV.

### GOVERNMENT OF INDIA'S ORDERS

#### *Leave counting for pension of class IV servants in season establishment*

(1) A class IV servant belonging to a season establishment (Art 369) who is on authorised leave of absence for a period covering that during which the establishment is employed as well as that during which it is not employed, can count only so much of the period as fulfils the conditions of Art 369. Thus the period of his leave during which the establishment was not employed does not count if he was not on actual duty when the establishment was discharged or on actual duty on the first day of its re-employment, but the remainder of the leave may be dealt with under the ordinary rules

[G I F D No 7830 P., dated the 13th December, 1904, Paragraph 222 of the Punjab Manual]

#### *Leave without allowances enjoyed by class IV servants*

(2) In determining what periods of leave without allowances enjoyed by a Class IV servant may be included in his service qualifying for pension, each period should not be taken by itself but all the leave taken with and without allowances should be added together and so much of it as does not exceed the leave that might have been granted with allowances under the rules, treated as qualifying service and the remainder if any, rejected as non-qualifying

[G I No 8147 P., dated the 26th December, 1904, Paragraph 223 of the Punjab Manual]

(3) Periods of leave without allowances granted to the piece-workers on the Class IV establishment of the Government of India Presses, should not count as service

[Controller of Printing and Stationery, India No 8 D/1/39 A & F, dated the 15th February, 1939 Paragraph 203 of the India Supplement]

(4) In calculating leave under Art 414 CSR the total of leave of all kinds should be added and the excess of it over the leave that could be granted as sick leave, furlough or leave on private affairs under Chapter XIV should be treated as non-qualifying. Out of the rejected period of leave so much should be allowed to qualify as added to privilege leave actually taken would amount to 1/11th of active service. Hospital leave can count only if it can be included in the aggregate leave admissible under Chapter XIV and aggregate privilege leave admissible under Chapter XII

NOTE.—The amount of privilege leave that might have been given to an inferior servant under this Article should be calculated on his net service after deducting long leave of all sorts actually taken from the total service.

[G.I.F.D. No. 2017 P dated 12th April 1905 (Madras) Paragraph 224 of the Punjab Manual]

### *Interpretation of this Article*

(5) A class IV servant can count leave with and without allowances as qualifying service for pension up to the amount of leave earned under Chapter XII and XV *ibid*. Such a government servant is not as a matter of course entitled to the maximum benefit of leave prescribed in Art. 414 thereof.

### *Illustration —*

	<i>y m d</i>
1. Gross service from 10th July 1909 to 23rd December 1931	22 5 14 (s)
Deduct leave taken of all kinds	6 9 24 (a)
	<hr/>
	15 7 20
Privilege leave earned under Chapter XII of the C.S.R. (1/11 of 15 y 7 m 20 d)	1 5 2 (b)
2. Gross service (s)	22 5 14
Deduct leave other than privilege leave	5 4 22
	<hr/>
Net active service	17 0 22
Furlough earned 1 6 (17 y 0 m 22 d)	2 10 3 (c)
Total leave earned (b) + (c)	4 3 5 (d)
Non qualifying leave (a - d)	2 6 19 (e)
Net qualifying service [(s) - (e)]	19 10 25
[Paragraph 225 of the Punjab Manual]	

### *Hospital Leave*

(6) In calculating total leave with allowances under decision (4) above hospital leave is not taken into account as it cannot be regarded as leave on medical certificate.

[Paragraph 201 of the India Supplement]

### **415 Cancelled**

## **SECTION III—SUSPENSIONS, RESIGNATIONS, BREAKS AND DEFICIENCIES IN SERVICE**

### **Periods of Suspension**

115 Time passed under suspension pending enquiry into misconducts if the suspension is immediately followed by reinstatement but time passed under suspension adjudged as a specific penalty does not count.

## **GOVERNMENT OF INDIA'S ORDER**

The word immediately as used in this Article is taken to mean that the reinstatement takes effect from the date following the date of termination of suspension i.e. there should be no gap or break

between the date on which the suspension ended and the date on which the reinstatement took place

Under this Article time passed under suspension would count for pension provided the suspension is followed without a break by re-instatement and provided also that the time passed under suspension is not adjudged as a specific penalty Arts 416 and 417 define the conditions under which the time passed under suspension may count for pension, while Art. 420 (c) simply lays down that the interruption in the service of an officer due to suspension does not entail forfeiture of his past service without a break by re-instatement

[Paragraph 226 of the Punjab Manual ]

*See Government of India's orders No (23) and (24) below Art 459.*

417. If an officer, who has been suspended, pending enquiry into his conduct, is reinstated, but with forfeiture of any part of his allowances for the period of suspension, this period does not count (save with the special sanction of the Head of the Department), unless the authority who reinstates the officer expressly declares at the time that it shall count.

## GOVERNMENT OF INDIA'S ORDER.

### *Suspension not followed by reinstatement*

If an officer is suspended and applies for pension without being re-instated, he is not eligible for any pension

[G I F D. No 5375 P, dated the 27th November, 1899, Paragraph 205 of the India Supplement ]

## Resignations and Dismissals

418. (a) Resignation of the public service or dismissal or removal from it for misconduct, insolvency, inefficiency not due to age, or failure to pass a prescribed examination entails forfeiture of past service.

(b) Resignation of an appointment to take up, with proper permission, another appointment, whether permanent or temporary, service in which counts in full or in part, is not a resignation of public service.

(c) In cases where an interruption in service is inevitable due to the two appointments being at different stations such interruptions not exceeding the joining time permissible under the rules on transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation under Article 422 to the extent to which the period is not covered by leave due to the Government servant.

## GOVERNMENT OF INDIA'S ORDERS

(1) The previous service of an officer who is transferred to a temporary appointment is forfeited by his resigning the temporary

appointment and taking up another temporary appointment of his own accord

[Paragraph 204 of the India Supplement]

(2) Removal or discharge from office arises from such a cause as unfitness for the duty and does not entail further consequences. It is no bar to appointment to another office for which he may be fit or to future re-employment. The effect of dismissal is to preclude re-employment. Ordinary cases of dismissal of non *Gazetted officers* need not be notified in the Government Gazette. The sanction of the Local Government should always be required to the re-employment of persons dismissed.

2 Where the application of a Government servant is not forwarded and the Government servant resigned his appointment of his own volition with a view to his taking up the new post or where it was not possible to forward his application in the public interest but the Government servant volunteered to resign his post or where the conditions of service in an office demanded that he should resign his post in the event of his taking up another post outside the resignation of public service will subsist and entail forfeiture of past service.

[G I M F No 35 (15) EV/60 dated the 21st September 1960]

**419** (a) A Government servant who is dismissed, removed or compulsorily retired from public service, but is re-instated on appeal or revision, is entitled to count his past service.

(b) The period of break in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of re-instatement, and the period of suspension (if any) shall not count unless regularised as duty or leave by a specific order of the authority which passed the order of re-instatement.

### Interruptions

**420** All interruptions in the service of an officer entail forfeiture of his past service, except in the following cases —

(a) Authorised leave of absence

(b) Unauthorised absence in continuation of authorised leave of absence so long as the office of the absentee is not substantively filled, if his office is substantively filled, the past service of the absentee is forfeited.

NOTE — Overstay of leave does not count for pens on

(c) Suspension where it is immediately followed by reinstatement, whether to the same or a different office, or where the officer dies or is permitted to retire or is retired while under suspension.

(d) Abolition of office or loss of appointment owing to reduction of establishment.

- (e) Transfer to non-qualifying service in an establishment under Government control. The transfer must be made by competent authority; an officer who voluntarily resigns qualifying service cannot claim the benefit of this exception. Transfer to a grant-in-aid school entails forfeiture.

[But see Example (c) of Art. 386]

- (f) Transfer to service on the Household establishment of the Viceroy.
- (g) Time occupied in transit from one appointment to another, provided that the officer is transferred under the orders of competent authority; or if he is a non-Gazetted officer, with the consent of the head of his old office.

## GOVERNMENT OF INDIA'S ORDERS

### *Application of the Article*

(1) This Article is applicable to temporary as well as permanent service, provided the temporary service qualifies

### *Suspension not followed by re instatement*

(2) See Government of India's order No (1) below Art 417 on page 101

### *Abolition of appointment*

(3) An officer who is discharged on the abolition of an appointment is entitled to the benefit of clause (d) of Art 420 C S R even though the appointment abolished may not have been that which he held or even one of the particular establishment on which he was actually serving

[G I F D No 5594 P dated the 9th September, 1907, Paragraph 228 of the Punjab Manual]

### *Volunteering by Government servants for the front*

(4) In the case of Government officers volunteering for the front absence will not be regarded as an interruption of duty for leave already earned and it will count for pension but not for leave

[G I F D No 1181 C S R dated the 20th November, 1914, Paragraph 231 of the Punjab Manual]

### *Joining time.*

(5) An officer going from one temporary appointment to another is not entitled to joining time Previous service of an officer would be forfeited only if his new post was not created until he joined it and in that case condonation under Art 422 C S R would be required. In the case of transfer from one sanctioned appointment to another, the joining time is allowed

[L S P N 83 dated the 23rd July 1907 Paragraph 206 of the India Supplement]

(6) Joining time would not qualify if no allowances were admissible under Art 190 C S R

[L S P R 261, dated the 29th February, 1908, Paragraph 208 of the India Supplement]

*Ex I N A Personnel*

(7) The period of Ex I N A Personnel since the date of removal, dismissal or discharge from the Army after recapture to the date of re-instatement in civil posts should be treated as absence on leave to the extent leave on average and half average pay was due, and to the extent such leave was not due under suspension

[G I M H A No 349 46 Ests., dated the 19th January, 1946]

*Removal of ex-Central Government servants on account of patriotic activities*

(8) The question of treatment of previous service on re-employment under the Government of India of such of the ex Central Government servants as were removed discharged or dismissed from service on account of their patriotic activities or their participation in national movements designed to secure the independence of the country or who resigned their appointments out of patriotic motives or in order to participate in the national movements, has been under consideration for some time past. The following orders have been issued —

- (i) They should be re-employed as far as possible in the same post or grades from which they were removed or in equivalent or higher posts if eligible. The age of superannuation of such persons shall be the same as would have been applicable to them if they had continued in service uninterruptedly
- (ii) On re-employment which would, in the case of persons who previously held their appointments in a substantive capacity and subject to the availability of permanent posts, be in a permanent capacity, the actual previous service rendered by these Government servants should be treated as qualifying service for purposes of pension (if and to the extent to which it would have been so treated but for their discharge, dismissal etc.) and seniority. They would be allowed to carry forward the balance of leave on average pay due on the date of their discharge etc. The period of break in service would itself not count for any purpose but otherwise the service will be regarded as continuous
- (iii) If they are re-employed in their original post or grade or in a post or grade corresponding thereto, their basic pay in the prescribed scale of pay for the post or grade in question should be fixed under F R 22 (a) (ii), with reference to the substantive pay last drawn and they should be granted in addition one increment for every three completed years of break in their service

If they are re-employed in posts lower than those previously held by them, they should only be allowed to count their total past service for increments in the prescribed time-scale of their present post plus one increment for every 3 completed years of break in service

- (iv) Ex Government servants who may be employed in pursuance of these orders and who may already be in receipt of any pension in respect of their past service, will have such pension held in abeyance and any gratuity received by them in respect of their past service shall also be subject to refund in order to enable them to count their past service for future pension *vide* Arts 511 and 514 (b), C S R

[G I M H A No 15/21/58/Ests, dated the 11th July 1949]

*No conflict between Art 420 C S R and F R 56 (d)*

(9) Doubts have been expressed in some quarters as to whether the provisions of clause (c) of Art 420 C S R as now amended are consistent with those of F R 56 (d). It has been pointed out that while F R 56 (d) lays down that a Government servant under suspension on a charge of misconduct shall not be required or permitted to retire on reaching the date of compulsory retirement, but shall be retained in service until the enquiry into the charge is concluded and a final order is passed thereon by competent authority, the revised clause (c) of this Article refers to officers who are permitted to retire or are retired while under suspension. To allay doubts in this respect the position is explained below —

The amendment of clause (c) of this Article was necessitated by the introduction of compulsory retirement as one of the penalties under Rule 13 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957. In that connection a question arose whether in the case of a Government servant under suspension in whose case the punishing authority decides to award the penalty of compulsory retirement, the Government servant should be formally reinstated and then compulsorily retired. It was decided that such a course was unnecessary and that the compulsory retirement of the Government servant may be affected even while the Government servant was under suspension. It was to cover such cases that clause (c) of the above Article was amended. This clause, therefore, covers cases of retirement during suspension, whether earlier than on or later than the date of compulsory retirement under the specific order of the competent authority issued on the completion of the proceedings. On the other hand, F R 56 (d) is intended to prevent the automatic retirement of a Government servant under suspension, merely by the virtue of his having attained the age of compulsory retirement, before a final order is passed. The question of a Government servant being retired or permitted to retire while under suspension can arise only when the proceedings have been completed and not before. From the above it will be clear that there is no conflict between the provisions of clause (c) of Art 420 C S R and F R 56 (d).

[G I M F No F 11/8) EV/57, dated the 22nd July 1959]



## AUDITOR GENERAL'S ORDERS

*Prisoner of war*

(1) The period spent in captivity by a civil officer in Military employ who was taken Prisoner of War, counts for pension

[C & Ar Genl's letter No 563 A & A 360 19 dated the 8th July, 1919, Paragraph 209 of the India Supplement]

*Overstay of leave*

(2) A period of overstay of leave does not count for pension

[Paragraph 210 of the India Supplement]

421 The authority who sanctions the pension may commute retrospectively periods of absence without leave into leave without allowances

## GOVERNMENT OF INDIA'S ORDER

*Retrospective commutation of absence.*

The power under this Article of commuting retrospectively periods of absence without leave into leave without allowances is absolute, the purpose of the rule being merely to obviate for purposes of pension the forfeiture of past service

Similar power conferred by F R 85 (b) is also absolute and the words as in clause (a) used in line 2 of clause (b) cannot be taken to qualify the latter part of the rule

[Ar Genl's No 63 A/17 35 dated the 22nd March 1935 Paragraph 211 of the 1st a Supplement]

## Condonation of Interruptions and Deficiencies

422 Upon such conditions as it may think fit in each case to impose the authority competent to fill the appointment held by an officer at the time condonation is applied for, were he to vacate that appointment may condone all interruptions in his service

NOTE 1 —[The powers under this Article shall be exercised subject to any rules which the Government of India may deem fit to prescribe]

NOTE 2 —[The provisions of this Article shall not apply to officers retiring from service on or after the 22nd April 1960 For this purpose the expression officers retiring from on or after the 22nd April 1960 will include officers who retired on or after the 1st November 1959 but before the 22nd April 1960 and got the benefit of liberalisations in pension as a result of the orders issued on the recommendations of the Pay Commission]

Interruptions in service (either between two spells of permanent or temporary service or between a spell of temporary service and permanent service or *vice versa* in the case of officers referred to above may be condoned by the Ministries of the Government of India subject to the following conditions namely —

- 1 the interruptions should have been caused by reasons beyond the control of the Government servant concerned
- 2 service preceding the interruption should not be of less than five years duration and in cases where there are two or more interruptions, the

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4 In so far as the persons serving in the Indian Audit and Accounts Department are concerned these orders have been issued after consultation with the Comptroller and Auditor General of India who will exercise the powers vested in the Ministries under these orders in respect of such personnel (Note 2 below this Article)  
[G I M F No F 12(19) EV(A)/60 dated the 30th January 1961]

*Condonation of interruptions usually not allowed*

(2) Usually condonations of interruptions are not allowed under this Article unless there are some reasons for doing so that is, if it can be shown that the Government servant had good reasons for resigning his appointment in the first instance or if he was compelled by reasons beyond his control (e.g., through illness etc) to quit service before due time and it is considered fit to permit him to count certain past qualifying service for pension

[G I M F U O No 2247 EV/43 dated the 1st April 1949]

*Powers of condonation include powers of revival*

(3) The powers of condonation specified in this Article carry with them the power of reviving service rendered prior to the interruption but forfeited under Art 418(a)

[G I F D No 5169 P dated the 23rd December 1897 Paragraph 232 of the Punjab Manual]

*War Service*

(4) Two or more periods of War Service with breaks in between rendered between the 4th August 1914, and the 31st August, 1921, can be added together and the total War Service counted towards civil pension subject to the conditions of Art 357A C S R without any need for condoning the break between those periods

[G I I D No F 11(28) R II/36 dated the 24th September, 1936]

(5) When Military Service is allowed to count towards pension and it carries with it a condonation of break, the period of break does not count for pension

[G I M F U O No 3329 EV/51 dated the 18th June 1951]

*Retrenched temporary Government servants*

(6) In accordance with F D Memos Nos F (5)(57) E IV/47, dated the 4th July 1947 and the 18th November, 1954, the break in the service if any, of temporary Government servants, who are retrenched from one Central Government office on reduction of establishment and receive orders of appointment in another such office while working in the old post or immediately after discharge from the old post or while on terminal leave or immediately on the expiry of terminal leave is condoned for the purpose of reckoning continuous service, if the period of break does not exceed the joining time up to a maximum of thirty days which the competent authority may grant in exercise of the powers delegated to him

under Supplementary rules 301 and 302. In this connection a question has been raised whether the condonation of break in such a case would entitle the Government servant concerned to count his previous temporary service for the purpose of pension.

The G I has decided that the condonation of break under the provisions of the above memos would carry with it the benefit of counting the previous temporary service towards pension.

[G I M F No. F.25(11) EV/59, dated the 20th October, 1959.]

*Fixation of pay of Quasi permanent employees securing alternative employment*

(7) (a) The initial pay of *quasi* permanent employees securing alternative employment during terminal leave or period of notice, may be fixed with reference to the *quasi* permanent pay last drawn, on the principle of F R. 22(a)(i) or F R. 22(a)(ii), as the case may be, and

(b) in cases where the alternative employment is in a lower post/grade and the *quasi* permanent pay exceeds the maximum pay of such lower post/grade, pay will be limited to the maximum of the scale of the lower post/grade and no personal pay should be allowed over and above such maximum.

Provided that the *quasi* permanent employees refund to the Government the pay and allowances of the former post/grade for the unexpired portion of the notice period as well as any gratuity or other terminal benefits in respect of their previous service.

[G I M.H.A. No. F 7/26 58/TS., dated the 6th February, 1959.]

## AUDITOR GENERAL'S ORDERS

(1) The exercise of powers by a Provincial Government in the matter of condonation of interruptions in service under this Article should properly be treated as an 'act of discretion' rather than an 'act of grace'. According to the literal interpretation of this rule a Government in India is competent to exercise the power given by that rule, but since this will mean an 'act of discretion' on the part of the Government it will be permissible for it to do so only if its decision is in favour of the officer. If otherwise the consent of Governor-General (President) will be necessary under Section 247 (b)(i) of the G I Act, 1935 as adapted by the India (Provisional Constitution) Order, 1947, as in that case it will mean an "Award of a pension less than the maximum pension allowable under rules."

Ar. Genl's order No. 760-A 197-42 dated the 26th September, 1942, Paragraph 235 of the Punjab Manual.]

(2) The authority competent to sanction the pension of an officer can condone under this Article, an interruption between an officer's non qualifying service and his subsequent qualifying service in order to make the former service qualifying for pension under Arts 370, 371, 381 (b) and 381 (c).

Ar. Genl's letter No. 52-A/14 34 dated the 8th March, 1934 Paragraph 212 of the India Supplement.]

423. (1) Upon any conditions which it may think fit to impose the authority competent to sanction the pension of an officer may condone a deficiency of three months in his qualifying service

(2) The Government of India and Provincial Governments may similarly condone a deficiency not exceeding twelve months

(3) If an officer claiming superior service has also rendered inferior service, the Government of India or the Provincial Government under whom he is serving may condone a deficiency in his qualifying service for pension on the superior scale not exceeding one-half of his inferior service, subject to a maximum of twelve months in all

NOTE —[The provisions of this Article will not apply to the Officers retiring from service on or after the 22nd April 1960. For this purpose the expression Officers retiring from service on or after the 22nd April 1960 will include officers who retired on or after the 1st November 1959 but before the 22nd April 1960 and got the benefit of liberalisations in pension as a result of the orders issued on the recommendations of the Pay Commission]

[G I M F No 12(19) E V A/60 dated the 16th May 1961]

## GOVERNMENT OF INDIA'S ORDERS

### *Terms in the Article explained*

(1) The term 'pension' in this Article is not used in contradistinction to gratuity the former includes the latter *vide* Art 41 C S R

[G I F D No 1194 C S R., dated the 22nd October, 1915 Paragraph 236 of the Punjab Manual]

(2) The word 'deficiency' includes not merely the period by which an officer's qualifying service falls short of the minimum length of qualifying service, which would entitle him to a pension, but should be read as including the difference between the total amount of his service qualifying for pension and the total length of service necessary to earn the maximum amount of pension admissible under the rules

[G I F D No 4169 P dated the 16th August 1900, Paragraph 237 of the Punjab Manual]

### *Condonation of deficiency in Inferior and Superior service*

(3) The Government of India have decided that when a condonation of a deficiency in the service of a Government servant, whose service has been partly superior and partly class IV is sanctioned under Art 423 (2) C S R there is no technical bar to the concurrent grant of a gratuity for class IV portion of service under Art 398(b) *ibid*. They have further ordered that if satisfactory reasons exist (e.g., premature invaliding or compulsory retirement owing to reduction, etc.) for condoning the deficiency in superior service, independently of the co-existence of class IV service, condonation may properly be sanctioned under Art 423 (2) *ibid* without forfeiture of gratuity. If however the sole reason for condonation is the fact of class IV service in addition condonation may be sanctioned only under Art 423 (3) *ibid* and no gratuity is admissible in respect of any portion of the class IV service

[Ar Genl's letter No T 1397 NGE 64 30 dated the 18th September 1930 Paragraph 216 of the Indian Supplement and Paragraph 238 of the Punjab Manual] (Imp)

(4) The grant of a compassionate allowance being an act of grace, the grant of any further concession in the shape of condonation of deficiency would not be justified, and it is undesirable, therefore, that sanctioning authorities should sanction condonation of deficiencies in such cases

[G I F D No F 4(6) R II/37, dated the 19th August, 1937 Paragraph 239 of the Punjab Manual]

(5) The Liberalised Pension Rules specially prohibit in any circumstances the condonation of a deficiency in the minimum qualifying service which has to be rendered before Government servant becomes eligible for a death *cum* retirement gratuity or a family pension. In cases of low paid employees proceeding on Invalid Compensation pension whose pay does not exceed Rs 200/- p m deficiency can be condoned under Art 423 (1) C S R

[G I F D No F 3(31) Est (Special)/50 dated the 16th February 1951 ]  
(Imp)

## AUDIT INSTRUCTION

A deficiency in effective service for special additional pension cannot be condoned under this Article (Imp)

[Paragraph 217 of the India Supplement]

## SUMMARY

The following periods are treated as non-qualifying service —

(1) Boy service (class IV below 16/18 years' age and Superior below 20/18 years)

Boy service qualifies in the case of the grant of compensation gratuity (Art 358 C S R)

(2) Joining time if no allowances are admissible (Art 190, C S R)

(3) Temporary services rendered at the beginning unless such service is treated as qualifying for pension (Art 370 C S R)

(4) Officiating service rendered at the beginning unless such service is treated as qualifying for pension (Art 371 C S R)

Note —Only half of the service referred to in paragraphs 3 and 4 above qualifies under paragraph 7 of the Liberalised Pension Rules 1950 provided that the service is (i) continuous (ii) rendered after attaining the minimum qualifying age and (iii) followed by confirmation in a pensionable post

(5) Service of an apprentice (Art 372 C S R)

(6) Service paid only by fees or commission (Art 392 C S R)

(7) *Overstayal of joining time* (Ar Genl's order No 2 below Art 420 C S R)

(8) Unverified service

(9) Leave without allowances

(10) Period of suspension adjudged as a penalty (Art 416, C S R)

(11) Period of condonation of interruptions

423A Cancelled

## Chapter XVIII—Conditions of Grant of Pension

## SECTION I—CLASSIFICATION OF PENSIONS

424. Pensions for "Superior service" are divided into four classes, the rules for which they are prescribed in the following Sections of this Chapter :—

- (a) Compensation pensions (*see* Section II).
- (b) Invalid pensions (*see* Section III).
- (c) Superannuation pensions (*see* Section IV).
- (d) Retiring pensions (*see* Section V).

425. Pensions for "Inferior service" are regulated by Arts. 481 to 485.

## SECTION II—COMPENSATION PENSION.

\*426. If an officer is selected for discharge owing to the abolition of his permanent post, he shall, unless he is appointed to another post the conditions of which are deemed to be at least equal to those of his own, have the option :—

- (a) of taking any compensation pension or gratuity to which he may be entitled for the service he has rendered, or
- (b) of accepting another appointment on such pay as may be offered, and continuing to count his previous service for pension.

†426A. If an officer is selected for discharge owing to the abolition of a permanent post, he shall, unless he is appointed to another post the conditions of which are deemed by authority competent to discharge him to be at least equal to those of his own, have the option :—

- (a) of taking any compensation pension or gratuity to which he may be entitled for the service he has already rendered, or
- (b) of accepting another appointment or transfer to another establishment even on a lower pay, if offered, and continuing to count his previous service for pension.

## GOVERNMENT OF INDIA'S ORDERS.

(1) An officer in foreign service should be held to have lost his lien on the date on which his office in British service was abolished and no contribution could be received after that date. He should be regarded as having retired from Government service from that date and he should thereafter be permitted to draw the pension to which

\*This amendment applies to officers under the rule making control of the Secretary of State and takes effect from the 9th June 1937.

†This amendment applies to officers under the rule-making control of the Central Government and takes effect from the 9th June, 1937.

he is entitled in addition to the salary which he receives at the time from his foreign employer

[G I F D Nos 880 E C dated the 11th March 1907 and 1687 E C, dated the 15th May 1907 Paragraph 240 of the Punjab Manual ]

(2) A reduction in the number of men paid for piece work and treated as having held a substantive office under Art 380 should be considered as an abolition of their appointments within the meaning of Art 426 C S R

[G I F D No 66 11 P dated the 29th October 1903 Paragraph 241 of the Punjab Manual.]

(3) If an officer is transferred to a non qualifying appointment in the interests of the public service and under orders of a competent authority, he is entitled to a Compensation pension if discharged on abolition of that non qualifying appointment.

[G I F D No 490 dated the 21st May 1882 Paragraph 243 of the Punjab Manual]

427 Deleted from the 9th June 1937

### Selection for Discharge

428 The selection of the officers to be discharged upon the reduction of an establishment should *prima facie* be so made that the least charge for Compensation pension will be incurred

## GOVERNMENT OF INDIA S ORDER

It is within the power of the Provincial Government when one out of two or more Settlement Establishments is to be abolished to regard all the establishments in question as a whole for the purpose of selecting the particular individuals who are to be retained provided that the principle upon which the selection is based must be that laid down in Art 428

[G I F D No 395 P dated the 25th January 1897 Paragraph 244 of the Punjab Manual ]

429 The discharge of one officer to make room for another better qualified is not the abolition of an appointment within the meaning of Article 426, the abolition must produce a real saving to Government. Particulars of the saving effected should be fully set forth in every application for Compensation pension. The saving should always exceed the cost of the pension, otherwise it may perhaps be better to postpone the reduction of establishment or abolition of appointment (See orders printed as Appendix 8)

Note —[The relaxation of the condition laid down in this Article requires the sanction of the Provincial Government in respect of appointments which it is competent to abolish and otherwise of the Government of India]

## GOVERNMENT OF INDIA S ORDERS

*Compensation pension may be reduced*

(1) A reduced Compensation pension may be granted in cases in



which the savings effected by this re organisation of an establishment are insufficient to meet the full pension admissible under Rule

[G.I.F.D No 214 dated the 14th January 1890 Paragraph 245 of the Punjab Manual]

*Calculations of savings referred to in Art 429 of officers whose service qualifies under Art 380 C S R*

(2) In the case of men whose service qualifies under Art 380 C S R. a reduction in their number should be considered as an abolition of their appointments within the meaning of Art 426 and the saving in such cases should be calculated on the average earnings of the last six months of service on the principle laid down in rule 1 under Art 486 C S R

[F & C Dept No 6611 P dated the 20th October 1893 Paragraph 218 of the India Supplement]

(3) The savings referred to in Art 429 C S R should be calculated with reference to the emoluments actually drawn at the time of abolition of the post

[Paragraph 219 of the India Supplement]

*Grant of furlough after discharge*

(4) A man discharged on the reduction of the establishment which causes no saving to Government cannot be granted furlough as he has then no substantive appointment nor is it possible to comply with the requirements of Art 214 C S R and his case should be referred to the Government of India

[L S P R 296 dated the 22nd July 1908 Paragraph 220 of the India Supplement]

*Application of Art 429*

(5) This Article does not apply to new cases specially dealt with under Art 434 C S R.

[G.I.F.D U O No 95 R C S R dated the 29th January 1925 (Madras) Paragraph 247 of the Punjab Manual]

### Restrictions

430 A Deputy Collector, Munsiff, or similar officer who belongs to the public service apart from his particular local appointments cannot obtain a Compensation pension on the abolition of particular appointment

### GOVERNMENT OF INDIA S ORDER

When an officer is transferred from pensionable Government service to a non pensionable establishment he cannot be granted any pension or gratuity admissible to him for the qualifying portion of his service until he actually retires from the non pensionable establishment to which he belongs

[G.I.F.D No 1941 P dated the 30th March 1908 (Bengal) Paragraph 246 of the Punjab Manual]

431 No pension is admissible to an officer for the loss of an appointment on discharge after the completion of a specified term of service

432. No pension may be awarded for the loss of a duty or local allowance.

433. Schoolmasters or other officers who, in addition to their other duties, are employed in any capacity in the Postal Department, are not entitled to Compensation pension on being relieved of such duties.

### Special Cases

434. If it is necessary to discharge an officer in consequence of a change in the nature of the duties of his office, the case should be referred to the Local Government, who will deal with it in accordance with the rules laid down in this Section as to notice of discharge and Compensation pension or gratuity.

435. If of two appointments held by one officer only one is abolished and it is desired to give him an immediate pension in respect of the abolished post, the case should be specially referred for the orders of the Government of India or of the Provincial Government competent to abolish the appointment.

### Notice of Discharge

436. Reasonable notice should be given to an officer in permanent employ before his services are dispensed with on the abolition of his office. If, in any case, notice of at least three months is not given, and the officer has not been provided with other employment on the date on which his services are dispensed with, then, with the sanction of the authority competent to dispense with the officer's services, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months, may be paid to him, in addition to the pension to which he may be entitled under Arts. 474 to 481; but the pension shall not be payable for the period in respect of which he receives a gratuity in lieu of notice.

1. The gratuity prescribed in this Article is not granted as compensation for loss of employment but only in lieu of notice of discharge, with a view to mitigate the hardship caused to an officer by the sudden loss of employment. When, therefore, an officer discharged without notice is provided with some other employment on the date on which his services are dispensed with, whether that employment be in qualifying or non-qualifying service, he is not entitled to any gratuity.

2. Unless it contains an express statement to the contrary, an order for the abolition of an office or appointment shall not be brought into operation till the expiry of three months after notice has been given to the officer whose services are to be dispensed with on such abolition. The immediate head of the office or the department will be held responsible that there is no unnecessary delay in giving such notice. In the case of an officer on leave, the order shall not be brought into operation until the leave expires.

NOTE—[“Emoluments” in this rule means the emoluments or leave allowances (or partly the one, partly the other) which the officer would be receiving during the period in question had the notice not been given to him]

### GOVERNMENT OF INDIA'S ORDERS.

*Notice of discharge does not reduce emoluments.*

(1) A permanent servant of Government who is served with the

notice of discharge shall suffer no reduction in his total emoluments for three months counting from the date of notice.

*Example*—An officer on furlough up to 3rd July, 1892, served with the notice of discharge on 9th May, 1892, should be allowed furlough allowance up to 3rd July, 1892, and thereafter pay up to 8th August, 1892.

[G I, P W D No 142 A E, dated the 12th June, 1893 (Madras), Paragraph 248 of the Punjab Manual]

NOTE—The gratuity paid in lieu of notice on abolition of an appointment should be charged to the particular department to which the pay of the appointment was debited before its abolition (Burma)

[Ar Genl's letter No 1545 dated the 27th October, 1900, Paragraph 222 of the India Supplement]

*Periods of notice after discharge on Compensation pension.*

(2) If no pay in lieu of discharge is paid, the pension should take effect from the date of discharge.

[L S P R—108, dated the 15th July, 1870, Paragraph 223 of the India Supplement]

(3) If an officer is transferred to a non qualifying appointment in the interests of the public service and under orders of a competent authority, he is entitled to a Compensation pension if discharged on abolition of that non-qualifying appointment (Allahabad.)

[G I F D, No 4904, dated the 31st April, 1882, Paragraph 224 of India Supplement]

436A. Whenever it is found necessary to determine the service of an officer serving under a contract within the period of his agreement, a specific intimation of the determination of the agreement and of the grounds on which it has been determined shall be furnished to the officer in writing.

### Offer of Re-employment

437. Deleted from the 9th June, 1937.

438. The rule in Arts. 511 and 512, requiring the refund of a Compensation gratuity on re-employment, applies to a gratuity awarded under Art. 436, if the officer is permanently re-employed within three months from the date of notice. But the officer need not refund that proportion of his gratuity under this rule which the interval of his non-employment bears to the whole period for which the gratuity is given. If the officer is re-employed only temporarily, he need refund no part of his gratuity, but if such temporary employment is foreseen, the gratuity should be proportionately reduced.

439. Deleted from the 9th June, 1937.

### Acceptance of new Appointment

440. If an officer who is entitled to Compensation pension accepts instead another appointment in the public service, and subsequently becomes again entitled to receive a pension of any class, the amount

of such pension shall not be less than he could have claimed if he had not accepted the appointment

### GOVERNMENT OF INDIA S ORDER

The term pension includes gratuity and Art 440 applies in cases coming under Art 398 (b) either to the pension or gratuity on the superior scale or to the gratuity on the Class IV scale but not to the combined value of both

[GIFD No 6364 P., dated the 31st December 1894 Paragraph 249 of the Punjab Manual]

### SECTION III—INVALID PENSION

441 An Invalid pension is awarded, on his retirement from the public service to an officer who by bodily or mental infirmity is permanently incapacitated for the public service, or for the particular branch of it to which he belongs.

#### Rules regarding Medical Certificates

442 Except as provided under Article 448, an officer applying for an Invalid pension shall submit a medical certificate of incapacity in the manner specified below

- (a) If the officer submitting the application is on leave elsewhere than in India, then the examination shall be arranged through the Indian Missions abroad by a Medical Board consisting of a Physician a Surgeon and an Ophthalmologist, each of them having the status of a consultant. The services of doctors approved for the officers and staff of the Mission concerned shall be utilised for this purpose provided they fulfil the above conditions. A lady doctor shall be included as a member of the Medical Board whenever a woman candidate is to be examined
- (b) If the officer submitting the application is in India, then the examining medical authority shall be—
  - (1) a Medical Board in the case of all Gazetted Government servants and those non-Gazetted Government servants whose pay, as defined in Rule 9 (21) of the Fundamental Rules, exceeds Rs 500 per mensem
  - (2) a Civil Surgeon or a District Medical Officer or Medical Officer of equivalent status in other cases
- (c) Except in the case of the officer on leave elsewhere than in India no medical certificate of incapacity for service may be granted unless the applicant produced a letter to show that the head of his office or department is aware of his intention to appear before the Medical Officer. The Medical Officer shall also be supplied by the head of the office or department in which the applicant is employed with a statement of what appears from official records to be the applicant's age

Where the applicant has a service book, the age there recorded should be reported.

- (d) In the case of civilians in the various administrative services and departments of the Indian Army including the Military Accounts Department who, under an agreement, are liable for field service, incapacity for service must be established by a Military Medical Board the members of which will attest the Medical certificate

[G I M F Notification No F 67(11) EV/60, dated the 4th August 1960]

## GOVERNMENT OF INDIA'S ORDERS

### *Medical officers competent to grant certificates*

(1) Commissioned Medical Officers, District Medical and Sanitary Officers and Civil Surgeons are alone authorised to grant Medical certificates of unfitness for further service (Bengal)

[Paragraph 226 of the India Supplement]

### *Inferior servants*

(2) The certificate granted to Class IV servants by a single Commissioned Medical officer in charge of a civil station may be held as sufficient

[Paragraph 228 of India Supplement]

(3) The local Government may dispense with a medical certificate of incapacity for further service in a case of gratuity and sanction the application

[G I F D, No 40 P 4227 dated the 22nd August 1901]

### *Delegation of powers of accepting medical certificates*

(4) Officers who have been authorised to sanction pensions of non-gazetted officers under G I F D, No 1228, dated the 29th February 1908, may accept a medical certificate of incapacity for further service given by a single Commissioned Medical Officer-in-charge of a civil station

[G I F D, No 4263 P, dated the 22nd July 1908 Paragraph 250 of the Punjab Manual]

### *Finger prints on medical certificates*

(5) The system of taking finger prints by Medical Officers on the medical certificates in the case of invalid pensions and commutation of pension should remain in force

[G I F D, No F 67 R II 28 dated the 17th September, 1928]

### *Appeal against declaration of unfitness*

(6) Government servants or candidates for Government service who are declared unfit by Civil Surgeons, individual medical officers or Medical Boards should, if they desire to appeal against such decisions, do so together with the requisite evidence in support of their case within one month from the date of issue of the communication in

which the findings of the Medical Officers/Medical Boards are communicated to the candidate/Government servant.

[G.I.M.H., No. F. 7(1)-10/53-M-II, dated the 1st May, 1953.]

*Fees paid to Medical officers outside India.*

(7) The fees paid by a Government servant to a Medical Officer or Medical Board outside India in connection with his medical examination for purposes of invalidment from service under this Article should be reimbursed to him by government irrespective of the fact whether the medical examination is held in India or outside.

These orders have been issued in consultation with the Comptroller and Auditor General of India with regard to persons serving in the Indian Audit Department.

[G.I.M.H., No. 7(1)-16/53-M-II, dated the 27th August, 1953.]

443. (a) A succinct statement of the medical case, and of the treatment adopted, should, if possible, be appended.

(b) If the Examining Medical Officer, although unable to discover any specific disease in the officer, considers him incapacitated for further service by general debility while still under the age of fifty-five years, he should give detailed reasons for his opinion, and, if possible, a second medical opinion should always in such a case be obtained.

(c) In a case of this kind, special explanation will be expected from the head of the office or department of the grounds on which it is proposed to invalid the officer.

## GOVERNMENT OF INDIA'S ORDER.

The requirements of this Article need not be insisted upon in the case of a class IV servant invalidated for general debility while his age is less than 55 years and the medical officer certifies him to be over that age.

[L.S.P.R., 84, dated the 29th July, 1908, Paragraph 229 of the India Supplement.]

444. A simple certificate that inefficiency is due to old age or natural decay from advancing years, is not sufficient in the case of an officer whose recorded age is less than fifty-five years, but a Medical Officer is at liberty, when certifying that the officer is incapacitated for further service by general debility, to state his reasons for believing the age to be understated.

## GOVERNMENT OF INDIA'S ORDER.

(1) Senile cataract, arterial changes consequent on senile decay, general nervous-breakdown, and commencing cataract may be treated as specific diseases as they may come before a man reaches the 55th year of his age.

[L.S.P.R.--102, dated the 1st August, 1907.]

(2) The pension of an officer retiring before he attained the age of 55 years on an invalid pension due to incipient cataract is not

subject to reduction under Art 478 (a) C S R as his incapacity is due to a specific disease and not to old age and natural decay

[B No 573 P R of 1910 11 Paragraph 230 of the Ind a Supplement ]

### Form of Medical Certificate elsewhere than in India

445 The form of medical certificate given by the Medical Board arranged by the Indian Mission abroad respecting an officer applying for invalid pension while on leave elsewhere than in India shall be as follows —

‘We have carefully examined Mr \_\_\_\_\_ taking into account all the facts of the case as well as his present condition we consider that he is incapable of discharging the duties of his situation and that such incapability is likely to be permanent His incapacity does not appear to us to have been caused by irregular or intemperate habits

NOTE —[If the incapacity is obviously the result of intemperance substitute for the last sentence In our opinion his incapacity is the result of irregular or intemperate habits ]

If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made

We are of opinion that AB is fit for further service of a less laborious character than that which he has been doing (or may after resting for \_\_\_\_\_ months be fit for further service of a less laborious character than that which he has been doing )

[G I M F No F 67(11) EV/60 dated the 4th August 1960 ]

### GOVERNMENT OF INDIA S ORDER

Civil Government servants on leave elsewhere than in India should in future be examined through the concerned Indian Mission abroad by a Medical Board consisting of a Physician a Surgeon and an Ophthalmologist all of whom should have consultant status The services of doctors approved by the Mission concerned should be utilised for this purpose provided they fulfil the conditions mentioned above The Board should be asked to state whether, in their opinion the Government servant concerned is permanently incapacitated for further service in India and whether so far as they are in a position to judge his incapacity has or has not been occasioned by irregular or intemperate habits

[G I M F No F 43(14) EV/57 dated the 8th November 1957 ]

446 If any doubt arises regarding the validity of a certificate by the Medical Board arranged by the Indian Mission abroad the Audit Officer must not of his own motion reject the certificate as invalid, but must submit the matter for the decision of the Local Government

NOTE.—[The Local Government may delegate its power under this Article to Heads of Departments],

## From of Medical Certificate in India

447. (a) The form of the certificate to be given respecting an officer applying for pension in India is as follows :—

Certified that I (we) have carefully examined *A B*, son of *C D*, a ——— in the ——— His age is by his own statement ——— years, and by appearance about ——— years. I (We) consider *A B* to be completely and permanently incapacitated for further service of any kind [or in the Department to which he belongs] in consequence of (*here state disease or cause*) His incapacity does not appear to me (us) to have been caused by irregular or intemperate habit.

NOTE —[If the incapacity is obviously the result of intemperance, substitute for the last sentence "In my (our) opinion, his incapacity is the result of irregular or intemperate habits ]

If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made

I am (We are) of opinion that *AB* is fit for further service of a less laborious character than that which he has been doing [or may, after resting for ——— months be fit for further service of a less laborious character than that which he has been doing ]

(b) The object of the alternative certificate (of partial incapacity) is that an officer should, if possible, be employed even on lower pay, so that the expense of pensioning him may be avoided. If there be no means of employing him even on lower pay, then he may be admitted to pension, but it should be considered whether, in view of his capacity for partially earning a living, it is necessary to grant to him the full pension admissible under rule.

447A. (a) In the case of civilians in the various administrative services and departments of the Indian Army including the Military Accounts Department who, under an agreement, are liable for field service, and whose continuous and pensionable service is not more than 20 years, the medical certificate will take the following form if the officer is incapacitated from permanent physical unfitnes to fulfil his field service obligations but is not completely incapacitated for ordinary service :—

Certified that I (we) have carefully examined *A B*, son of *C D*, a ——— in the ——— His age is by his own statement ——— years and by appearance about ——— years I (We) consider *AB* to be incapacitated for further service in the ——— in consequence of (*here state disease, etc.*) which renders him permanently unfit physically for field service I am (We are) of opinion that *AB* is fit for further service in any department or service of Government in which liability for field service is not a condition of employment. His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits



NOTE —[If the incapacity is obviously the result of intemperance the following will be substituted for the last sentence "In my (our) opinion, his incapacity is the result of irregular or intemperate habits"]

(b) The above certificate does not give an officer any right of transfer to any other Government service or department; and an officer invalidated on a certificate in this form will receive either full pension admissible under rule or such smaller amount as may be decided by the authority empowered to sanction the pension.

### AUDITOR GENERAL'S ORDER.

An officer who is medically declared unfit for a post but is fit for further service of a less laborious character than that which he was doing, may refuse to accept employment on a lower pay offered to him. The option lies with the officer as in the case of a Government servant who is selected for discharge owing to the abolition of permanent post under Art 426 B. Such an officer cannot be refused pension.

### Signallers in the Telegraph Department

448. (a) In the case of Signallers in the Indian and Indo-European Telegraph Departments, the medical certificate prescribed by Article 447 may, if it is found after medical examination that it cannot be granted, be dispensed with in special cases when inefficiency is not the result of misconduct, and instead of it two certificates—

- (i) one in form A signed by two superior officers of the Telegraph Department; and
- (ii) the other in form B signed by the Director-General of Telegraphs may be substituted.

FORM A "We certify that after a perusal of the records of *AB's* service and of the report of his immediate superior during the last twelve months of his service, we are satisfied that he is permanently incapacitated for the duties of a Signaller in the Telegraph Department

FORM B "After a careful consideration of *AB's* case, I concur with Messrs *C* and *D* in thinking that he is permanently incapacitated for the duties of a Signaller in the Telegraph Department and accordingly recommend that he may be permitted to retire on the pension or gratuity for which he may be found eligible "

(b) The practice enjoined in Article 447(b) \*(and 453) of re-employing pensioners should be carefully allowed as far as practicable in these cases.

(c) Officers permitted to retire under this Article may be granted a pension or gratuity of only four-fifths of the amount that would be admissible for a man permanently unfit for any duty.

NOTE 1 —[This Article applies only to men who are "Signallers," including in that term Telegraph Masters who are members of the signalling staff, when they retire]

\* Does not apply to officers under the rule-making control of the Central Government.

NOTE 2 —The provisions of this Article shall not apply to Signallers in the Indian Telegraph Department who are recruited on or after the 6th July, 1957 ]

### Special Precautions in the Police

449. District Superintendents of Police should be on their guard against endeavours to retire on Invalid pension by officers who are capable of serving longer.

450. Medical Officers should confine themselves to recommending leave to such policemen as are not likely to benefit by a further stay in hospital and should not certify that a policeman is incapacitated for further service unless they are officially requested to report upon his incapacity for further service.

451. Medical Officers should be specially searching in their examination of the physical unfitness of every applicant for pension, and, whenever the number of applicants for pensions is large, the examination should, if possible, be conducted by two Medical Officers.

### Restrictions

452. An officer discharged on other grounds has no claim under Article 441, even although he can produce medical evidence of incapacity for service.

453. *Deleted*

454. If the incapacity is directly due to irregular or intemperate habits, no pension can be granted. If it has not been directly caused by such habits, but has been accelerated or aggravated by them, it will be for the authority by which the pension is grantable to decide what reduction should be made on this account.

## GOVERNMENT OF INDIA'S ORDERS

### *Incapacity on account of syphilis.*

(1) The mere fact that a person has suffered from syphilis is not sufficient to bring him under the operation of this Article, provided there is nothing against his character in other respects. In the event of his retirement being necessitated by such a disease, the record of his service as a whole should be examined. The presumption may be against the person, but it should not be accepted as other than a presumption, and should be received as capable of being completely rebutted by general evidence as to character and conduct.

[G I F D, No 4421, dated the 8th November 1884, Paragraph 251 of the Punjab Manual ]

(2) In cases in which retirement is due to invaliding on account of syphilis, the decision in each case must be left to the authority which is empowered to sanction the pension or gratuity. The Audit Officer should certify the applicant's title to pension or gratuity with some such proviso as the following —

“Provided that the sanctioning authority is of opinion, on consideration of the medical certificate and other evidence as to-

habits and character that the incapacity has not been proved to be caused by irregular or intemperate habits

[G I F D No 5031 P dated the 31st August 1908 Paragraph 252 of the Punjab Manual ]

(3) A Government servant suffering from leprosy or syphilis should not at once be invalided but should be granted such leave as may be necessary, but not exceeding the amount to his credit to enable him to undergo proper treatment and he should be invalided from service in the former case only if after undergoing the treatment for the full period of leave to his credit he is still certified to be infected with the disease and in the latter case only if he refuses to undergo the treatment prescribed by competent medical authority or if such authority considers the treatment has failed

*Incapacity due to drug habits*

(4) Unsoundness of mind caused by drug habits is a sufficient cause for invaliding an officer

[L S P R -66 dated the 2nd August 1905 Paragraph 231 of the India Supplement ]

*Words 'Irregular or intemperate habits' explained*

(5) The expression 'irregular or intemperate habits' occurring in this Article refers to incapacity due to drug habits or diseases caused by immoral habits. Cases of incapacity due to work at irregular hours or exigencies of service and not due to own volition are not covered by this Article

[G I M F U O No 6382 EV/48 dated the 13th October 1948 ]

**Applicant to be discharged**

455 An officer who has submitted under Article 442 a medical certificate of incapacity for further service shall, if he is on duty be invalided from service from the date of relief of his duties which should be arranged without delay on receipt of the medical certificate, or, if he is granted leave under the Note below Article 827A on the expiry of such leave. If he is on leave at the time of submission of the medical certificate he shall be invalided from service on the expiry of that leave or extension of leave, if any, granted to him under the Note below Article 827A

456 Deleted

457 Deleted

**SECTION IV—SUPERANNUATION PENSION**

458 A Superannuation pension is granted to an officer in superior service entitled or compelled, by rule, to retire at a particular age

459 (a) (i) Ministerial officers who have attained the age of 55 may be required to retire, but should ordinarily be retained in service

so long as they remain efficient until they come under the provisions of clause (e).

(ii) A ministerial officer, who entered Government service on or after 1st April, 1938, or who being in Government service on 31st March, 1938, did not hold lien or a suspended lien on a permanent post on that date, must not be retained after the age of 55 years except on public grounds, which must be recorded in writing, and he must not be retained after the age of 60 years except in very special circumstances. The power to retain such an officer after the age of 55 years but not after 60 years will be exercised by heads of departments, provided that extensions are limited to period of one year at a time.

(b) Officers, other than ministerial, who have attained the age of 55, should ordinarily be required to retire, and should not be retained in service except where unquestionable public grounds for retention exist which must be recorded in writing, and there is no doubt as to the physical fitness of the officer.

(c) Each officer's case should be taken up when he is approaching the age of 55 and before the expiry of each extension of service. Extensions may not be granted for any period exceeding one year at one time.

(d) The powers given by the preceding clauses may be exercised by the authority competent to fill the appointment (if vacant) of the officer who is required to retire or retained in service.

(e) An officer who has attained the age of 60 cannot be retained in the service of Government save in very exceptional circumstances, and with the sanction of the Local Government.

(f) No claim to compensation from an officer who is required to retire under the provisions of this Article will be entertained :

Provided that a Government servant under suspension, on a charge of misconduct, shall not be required or permitted to retire but shall be retained in service until the enquiry into the charge is concluded and a final order is passed by a competent authority.

NOTE.—[The provisions of this Article do not apply to officers referred to in the Note under Article 550]

## GOVERNMENT OF INDIA'S ORDERS.

### *Date of birth.*

(1) In the case of an officer whose year of birth is known but not the exact date, the Local Government may adopt the rule that the 1st July should be treated as the date of birth for the purpose of determining when he should be held to attain the age of 55 years. Similarly if only the year and month of birth are known, the 16th of the month is taken to be the exact date of birth for purposes of pension. (Imp.)

[G I F D No 3836-P, dated the 8th October, 1896]

*Government pleaders*

(2) Government Pleaders are not subject to the operation of Art 459 (a) C S R., which is a rule for compulsory retirement on pension of officers who have attained the age of 55 years

[G I F D No 1855, dated the 25th April 1896, Paragraph 258 of the Punjab Manual]

*Invalid or Retiring instead of Superannuation pension*

(3) An officer in superior service who retires after the age of 55 years may be granted an Invalid or a Retiring pension, if he has fulfilled the conditions, necessary to render him eligible for such a pension

[G I F D, No 3466, dated the 12th August, 1896 Paragraph 259 of the Punjab Manual]

*Specialist Services*

(4) The 'Specialist' services being organised outside the Indian Service of Engineers, it has been decided that Rule 56 (c) (iv) of the Fundamental Rules cannot be held to be applicable to them, and their case is consequently governed by Rule 56 (a) under which the service of such an officer may be retained after the age of 55 years for the recorded reason that his services are required on public grounds

[G I Dept of I & L P W Br. No E 34, dated the 4th June 1924, Paragraph 247 of India Supplement]

*Grant of leave under F R. 86*

(5) The grant of leave to an officer who who has attained the age of 55 years under F R 86 automatically carries with it the extension of service required up to the date on which leave expires and no formal sanction to extension is necessary

[G I F D No 520/521 C S R dated the 31st May 1922]

*Extension of Service*

(6) Ministries should scrutinize carefully cases of superannuated persons and not re-employ or grant extension of service except where it is clearly in the public interest to do so as instructed in the Home Ministry's O M No 30/6/48 Appts, dated the 25th May, 1948 Ministries should refer to that Ministry all such proposals. A reference to the Federal Public Service Commission should be made in cases in which orders of Government are necessary for the grant of extension of service in respect of Central Services Class I and II before such an extension is granted except when the extension is not for more than six months

2 Where due to the shortage of trained and experienced personnel it is deemed essential in the public interest to retain the services of an officer about to be superannuated, the proper procedure would be to retire the officer concerned and offer him re-employment for a limited period. Proposals for the grant of extensions of services should be made well in advance of (say 3 months from) the crucial dates in cases where the expedient of re-employment after

retirement is, for some exceptional and unavoidable reasons (to be stated), not found practicable

[G I M H 33/20/49 Ests, dated the 12th August, 1949]

(7) FR 56 (b)(i) provides a condition of service of a ministerial Government servant that he may be required to retire at the age of 55 but should ordinarily be retained in service up to the age of 60 provided he continues to be efficient. It would therefore, be the option of the Government or of other competent authority to continue him in service after 55, although the option should be ordinarily exercised in favour of the Government servant if he continues to be efficient. The judge of continued efficiency must also be the Government or other competent authority. The retirement of a ministerial Government servant on or after attaining the age of 55 will not be 'dismissal' or 'removal' in terms of Art 311(2) of the Constitution and it is unnecessary to give him an opportunity to show cause on account of such retirement.

2 A periodical review of the cases of all such ministerial Government servants between the age of 55 and 60 years should be made annually to ensure that their efficiency has not deteriorated so as to render their further retention in service contrary to the public interest and action should be taken to retire officers where the review discloses this to be necessary. It should also be clearly understood that in passing orders in such cases the competent authority would be free to take all the factors into account in order to ensure in every case that the retention of a man in service after attaining the age of 55 is on the whole in the public interest and not merely in the interest of the individual Government servant concerned.

3 The provision in Note 1 below Art 465A CSR is similar in character to that in FR 56 (b)(i) and is one of the terms and conditions of service. Therefore, when a Government servant to whom this provision is applicable takes up service, he must be presumed to have done so with full understanding that the duration of his service will be up to the end of 25 years' qualifying service or till the attainment of the age of 55 years at the discretion of the competent authority. It is true that this Note provides that the right will not be exercised except when it is in the public interest to dispense with the further service of the officer. But Government itself must be the judge in each case whether the action taken is in the public interest. It has therefore, been decided that the exercise of such right by Government does not amount to dismissal or 'removal' within the meaning of Art 311 (2) of the Constitution and no question of the officer being given an opportunity to show cause against the proposed action can arise.

4 In dealing with cases of retirement of ministerial Government servants governed by FR 56 (b)(i) and officers governed by Art 465A CSR, the observations made above should be borne in mind in future.

[G I M H A., No 26/6/52 Ests., dated the 11th November, 1952, Government of India's ruling below FR 56]

## (See Case Law below this Article)

(8) A high standard of efficiency should be insisted upon for allowing a Government servant to be retained in service beyond the age of 55 years and the competent authority should consider the case of each individual on the basis of the standard at periodical reviews, say once a year

An annual examination of such ministerial Government servants who satisfy the standard referred to in the above paragraph should be held to determine their physical fitness and mental alertness, and their continuance in service beyond the age of 55 years should be subject to their being declared physically fit as a result of such an examination [See Note below order (9)]

2 At the periodical reviews the competent authority should prepare after consultation with the appropriate Departmental Promotion Committee, if one exists ;—

- (a) a list of ministerial Government servants as are considered efficient and suitable for further retention in service. Such persons may be retained in service for a period not exceeding one year at a time subject to their being declared physically fit as a result of the annual medical examination
- (b) a list of such persons as are not considered suitable for retention in service beyond the age of 55 years or after the expiry of the period beyond the age of 55 years for which their retention has been previously approved.

3 Every person in the list mentioned in para 2(a) above, whom the competent authority decides to retain in service, should be informed that such retention (up to a date to be specified) will be subject to his continued efficiency, for which the competent authority will be sole judge

Every person whose name is included in the list mentioned in para 2(b) above or who is not declared physically fit should be informed in advance that he has the option either to retire with effect from the date to be specified or to proceed on such leave preparatory to retirement as he may apply for and may be admissible and granted to him. Such leave will in no case extend beyond the date of his attaining 60 years

IG I M II A No 33/10/53-Exts, dated the 17th July. 1954

The medical examination should be conducted about four to six weeks before the date of officer's attaining the age of 55 or the date up to which his retention has already been sanctioned. If the result of medical examination is adverse, the retirement will ordinarily become effective not from the date on which the medical examination takes place but from the date of attainment of the retention beyond the age of 55 years. In the event of the result of the medical examination not becoming available before the relevant date, the employee may be continued in service until the result becomes available.

Where on consideration of efficiency or of physical fitness or mental alertness, it is decided not to retain in service a ministerial employee governed by F.R. 56(b)(i), he may at the discretion of competent authority, be granted any leave preparatory to retirement which he may desire to take and may be due to him. In such cases the retirement will become effective from the date on which the leave preparatory to retirement expires.

[G I M H A, No 30/10/53 Ests (A), dated the 29th September, 1954]

NOTE—The Government of India have decided that there need not be a medical examination annually in every case. If the competent authority have reason to believe *prima facie* that the state of an officer's physical health is not up to the required standard it will be open to them to direct that the officer in question should undergo a medical examination and produce a certificate of fitness.

*Form of medical certificate for the Medical Examination of ministerial Government servants governed by F.R. 56(b)(i) for retention beyond the age of 55 years*

Signature of the candidate

We the members of a Medical Board

I \_\_\_\_\_, Civil Surgeon \_\_\_\_\_  
do hereby certify that we/I have carefully  
examined Shri \_\_\_\_\_ Son \_\_\_\_\_  
Shrimati \_\_\_\_\_ daughter/wife of \_\_\_\_\_  
a \_\_\_\_\_  
in the Ministry/Department \_\_\_\_\_ of \_\_\_\_\_  
office \_\_\_\_\_ whose signature is given above and find that  
he/she <sup>is not</sup> <sub>is</sub> reasonably healthy and <sup>has not</sup> <sub>has</sub> the physical capacity and mental  
alertness for continuing to discharge satisfactorily the duties expected of a  
ministerial employee of <sup>his</sup> <sub>her</sub> grade for one more year.

Members of the Medical  
Board/Civil Surgeon of

NOTE 1—[While recording his/their opinion the certifying Medical Officer/Board should make due allowance for natural physiological processes due to age consistently with the physical and mental requirements for continuance of the candidate in service in the post he/she holds]

[G I M H, No F.38/4/55 Ests (A), dated the 3rd February, 1956]



## (See Case Law below this Article)

(8) A high standard of efficiency should be insisted upon for allowing a Government servant to be retained in service beyond the age of 55 years, and the competent authority should consider the case of each individual on the basis of the standard at periodical reviews, say once a year

An annual examination of such ministerial Government servants who satisfy the standard referred to in the above paragraph should be held to determine their physical fitness and mental alertness, and their continuance in service beyond the age of 55 years should be subject to their being declared physically fit as a result of such an examination [See Note below order (9)]

2 At the periodical reviews the competent authority should prepare, after consultation with the appropriate Departmental Promotion Committee, if one exists ;—

- (a) a list of ministerial Government servants as are considered efficient and suitable for further retention in service. Such persons may be retained in service for a period not exceeding one year at a time, subject to their being declared physically fit as a result of the annual medical examination.
- (b) a list of such persons as are not considered suitable for retention in service beyond the age of 55 years or after the expiry of the period beyond the age of 55 years for which their retention has been previously approved.

3 Every person in the list mentioned in para 2(a) above, whom the competent authority decides to retain in service, should be informed that such retention (up to a date to be specified) will be subject to his continued efficiency, for which the competent authority will be sole judge.

Every person whose name is included in the list mentioned in para 2(b) above or who is not declared physically fit should be informed in advance that he has the option either to retire with effect from the date to be specified or to proceed on such leave preparatory to retirement as he may apply for and may be admissible and granted to him. Such leave will in no case extend beyond the date of his attaining 60 years

[G I M H A No 33/10/53-Ests , dated the 17th July, 1954 ]

(9) The medical examination mentioned in the order No. (8) above should be conducted by a Civil Surgeon or a District Medical Officer or a Commissioned Medical Officer in case of non-gazetted officers, and by a Medical Board in case of gazetted officers. The authority conducting the medical examination should take into account the normal deterioration in health and physical fitness likely to occur during the course of service rendered by the employee and determine whether he is reasonably healthy and has the capacity of continuing to discharge the duties expected of ministerial employee.

The medical examination should be conducted about four to six weeks before the date of officer's attaining the age of 55 or the date up to which his retention has already been sanctioned. If the result of medical examination is adverse, the retirement will ordinarily become effective not from the date on which the medical examination takes place but from the date of attainment of the retention beyond the age of 55 years. In the event of the result of the medical examination not becoming available before the relevant date, the employee may be continued in service until the result becomes available.

Where on consideration of efficiency or of physical fitness or mental alertness it is decided not to retain in service a ministerial employee governed by F R 56(b)(i), he may at the discretion of competent authority, be granted any leave preparatory to retirement which he may desire to take and may be due to him. In such cases the retirement will become effective from the date on which the leave preparatory to retirement expires.

[G I M H A, No 30/10/53 Ests (A), dated the 29th September, 1954]

NOTE—The Government of India have decided that there need not be a medical examination annually in every case. If the competent authority have reason to believe *prima facie* that the state of an officer's physical health is not up to the required standard it will be open to them to direct that the officer in question should undergo a medical examination and produce a certificate of fitness.

*Form of medical certificate for the Medical Examination of ministerial Government servants governed by F R 56(b)(i) for retention beyond the age of 55 years*

Signature of the candidate

We the members of a Medical Board

I \_\_\_\_\_, Civil Surgeon \_\_\_\_\_  
do hereby certify that we/I have carefully  
examined Shri \_\_\_\_\_ Son \_\_\_\_\_  
Shrimati \_\_\_\_\_ daughter/wife of \_\_\_\_\_

a \_\_\_\_\_  
in the Ministry/Department of \_\_\_\_\_  
office \_\_\_\_\_ whose signature is given above and find that  
he/she is not reasonably healthy and has not the physical capacity and mental  
is alertness for continuing to discharge has satisfactorily the duties expected of a  
ministerial employee of his grade for one more year  
her

Members of the Medical  
Board/Civil Surgeon of

NOTE 1—[While recording his/their opinion the certifying Medical Officer/Board should make due allowance for natural physiological processes due to age consistently with the physical and mental requirements for continuance of the candidate in service in the post he/she holds]

[G I M H, No F.38/4 55 Ests (A), dated the 3rd February 1956]

NOTE 2 —[The grounds for the rejection of a candidate should be briefly stated]

[G I M H A No 38/4/55 Ests (A), dated the 24th January, 1957]

*Raising the age of Superannuation.*

(10) The Government had been considering the question whether the age of superannuation should be beyond 55 years. It was decided in 1952 that there was no need to raise the age of superannuation but that extensions of service should be granted liberally, especially for technical and scientific personnel.

The question has been examined again carefully by the Government of India and the following decisions have been reached —

- (i) The age of compulsory retirement will remain as at present. The matter may, however, be reconsidered if and when the Pay Commission make any recommendation in this respect.
- (ii) No officer will be retained in service beyond the date of compulsory retirement or offered re employment after that date except when it is clearly in the public interest and where it is evident that other officers in service are either not ripe enough to take up the appointment or that the retiring officer is of such outstanding merit that Government consider it desirable to retain him in service further.
- (iii) Where extension or re employment is permitted in the circumstances mentioned in (2) above, the normal rule should be to grant extension if the employment after the age of superannuation is to be in a post borne on the cadre on which the officer is borne. On the other hand, re-employment should be the normal rule where the employment is to be in an ex-cadre post.
- (iv) Subject to actual requirements, extension or re employment, as the case may be, may be granted up to two years at a time beyond the age of superannuation. The period of extension/re employment may, however, be extended by one more year if it should become necessary in the public interest. Further, continuance in service beyond the period of three years will be permitted in exceptional circumstances only.

In all cases of re-employment, the usual notice clause providing for the termination of service by giving notice of one month on either side should be included.

- (v) In view of the shortage of technical and scientific personnel, especially for the projects of the Plan, retention of such personnel beyond the age of superannuation in posts requiring specialist and technical qualifications which are not of a mainly administrative character, will continue to be allowed liberally as at present. On the question whether such personnel should be granted an extension of service or

should be offered re employment will be decided in accordance with the principle set forth in sub para (3) above. The duration of the period of extension or re employment, as the case may be, will be regulated as in sub para (4) above

[G I M H A , No 33/2/58 Ests (A), dated the 20th September, 1958 ]

(11) If a ministerial officer governed by Art 459 (a) has attained the age of 55 years, he can choose to retire at any time under Art 464 irrespective of whether he has by then completed 30 years' qualifying service or not and no notice of 3 months as such would be necessary when an officers' retention after 55 years has been formerly approved for a specific period. His retirement would of course be subject to his being relieved of duties after the necessary arrangement in his place has been made

[G I M F , U O 7971 E.V/55, dated the 1st September, 1955 ]

*Substantive ministerial servant officiating in a non-ministerial post,*

(12) Doubts were felt about the correct interpretation of the Audit Instruction (1) below F R 56 (also given as No 1 below this Article). It was contended that the Audit Instruction in question merely debarred a person from continuing in a non ministerial post, whether in a permanent or officiating capacity, beyond the age of 55 years or after the expiry of a period of extension thereafter, but that if such a person wished to revert to his permanent ministerial post or to proceed on leave after having officiated in a non ministerial post beyond the age of 55, and if Government themselves were agreeable, there was nothing in the above Audit Instruction to prevent this course being adopted.

The Government of India after careful consideration reached the conclusion that the correct interpretation of the said Audit Instruction is that the date of compulsory retirement of a Government servant who is the substantive holder of a ministerial post and is governed by clause (b) (i) of F R 56 but who is officiating in a non-ministerial post is the date on which he attains the age of 55 years. If such a person would like to become eligible for retention in service beyond that date, he must revert to a ministerial post before he actually attains the age of 55 years. Further, if having been appointed to officiate in a non ministerial post before the date on which he attains the age of 55 years, such a person continues so to officiate beyond that date by virtue of necessary extension of service granted to him, or if, by a similar process, he is appointed to officiate in a non-ministerial post after he has attained the age of 55 years, he must compulsorily retire on expiry of the term of extension of service granted to him which would include the period of refused leave actually availed of, if any. He cannot thereafter claim either to revert to a ministerial post and continue in service in such a post, or to avail himself of leave of any description

[G I M F, No F. 22 (1)-EV/53, dated the 14th April 1953 ]

(13) It has been decided in consultation with the Comptroller and Auditor General of India that it will satisfy the requirements of

the order (12) above, if the reversion to a ministerial post of an officiating non-ministerial Government servant having a lien on a ministerial post if notified takes place from the afternoon of the day preceeding the day on which he attains the age of 55 years

[G I M H A , No F. 3/43/53 CS (A) dated the 9th June, 1953 ]

### *Leave Preparatory to Retirement.*

(14) Whatever right to leave preparatory to retirement a ministerial servant had before the age of 55, he continues to retain it even beyond that age. Except that no Government servant can claim leave of any nature as a matter of right, there is nothing to prevent the grant of leave preparatory to retirement to such a ministerial servant. Whenever it is decided to retire a ministerial servant compulsorily between the ages of 55 and 60 years, there is no objection to the date of his retirement being so fixed by the competent authority that the leave if any, which such authority may grant at his discretion could be enjoyed between the date on which the decision to retire him is taken and the date on which he is required to retire.

[G I M F No F 7 (49) Ests IV/50, dated the 22nd September, 1950]

(15) A question has been raised whether the retirement of a Government servant is automatic on the date on which he attains the age of compulsory retirement or some specific orders by a competent authority are necessary specifying the date on which they should retire.

The rules regulating the age of superannuation or the term and conditions of service may provide for the compulsory retirement of a Government servant on his attaining a specific age or after completion of a specified period of service. In all such cases retirement is automatic and in the absence of specific orders to the contrary by the competent authority a Government servant must retire on the due date. It is the responsibility of the administrative authorities concerned to ensure that the Government servants under their control so retire. The date of compulsory retirement of a Government servant is known in advance and there should be no question of failure to make arrangements for his relief sufficiently in advance and complete any formalities required in that behalf. For this purpose, the authorities concerned should maintain a proper record of the dates of retirement of the Government servants working under them and take such appropriate action as may be necessary for their retirement on the due dates.

At the same time, a Government servant cannot take advantage of the non receipt of formal orders regarding his relief etc to say that he has been granted an extension of service. If the Government servant desires to take any leave preparatory to retirement he will naturally apply for it in good time. If not, he should bring the fact that he is attaining the age of superannuation or completing the period of service after which he has to retire to the notice of the head of the office in which he is serving or if he is himself the head of the

office to that of his immediate superior. Unless he receives specific orders that he should continue in service, he should make over charge on the due date to the head of the office (or such officer as may be nominated by the latter) or if he is himself the head of the office to the next seniormost officer in the office who would normally be placed in charge of the office in his absence.

[G I M H A, No 33/6/56-Ests (A), dated the 10th December, 1956]

*Curtailment of extension of service*

(16) A question has been raised whether the period of extension of service granted to an officer can be curtailed subsequently.

2 Three classes of cases involving different principles arise. Firstly, there is the case where an extension order under F R 56 has been made and communicated to a Government servant but the order has not become effective in the sense that he has not yet reached the age of compulsory retirement. In such a case it is open to the authority making this order to cancel or modify it (e.g., by substituting six months for one year) on the grounds that in view of the changed circumstances brought about by the cessation of hostilities or by other factors it has become unnecessary to extend the service or, as the case may be, to extend it by as much as one year. This cancellation or alteration should be made and communicated to the Government servant before he reaches the age of compulsory retirement.

3 Secondly, there is the case where the extension has been granted for a specified period and the order has already taken effect, in such a case it is considered that it would not be proper to modify the order subsequently. Government is committed to retaining the officer for the specified period and cannot dispense with his service before the expiry of that period except on disciplinary grounds.

4 Thirdly, there is the case where a Government servant who has retired from service has been re-employed for a specified period from the date of retirement. He is practically an officer on a short-term contract and unless he has been expressly told that his service may be dispensed with at any time during the specified period by giving notice or otherwise his employment cannot be terminated prematurely.

5 In the class of cases referred to in para 3 above, there would be no objection to the premature termination of the services of the officer concerned if the order granting him the extension contained a clause providing for termination of service by say, three months' notice at any time within the period of extension. In view of this position, Departments may consider it desirable to provide for a notice clause in all cases of extension of service.

[G I H D., No 445/45 Ets., dated the 28th November 1945]

*Ministerial servants of States transferred to Central Governments.*

(17) A question has been raised as to whether the expression

'Government service', occurring in F R 56 (b) (i) includes service under a State Government also, i.e., a person who held a lien or a suspended lien on a permanent post under a State Government on the 31st March, 1938 and was later on confirmed under the Central Government, would be governed by F R 56 (b) (i) for the purpose of determining the date of his compulsory retirement. It has been decided that a person of the type mentioned above would be governed by F R 56 (b) (i) provided that he was governed by F R 56 (b) (i) or a rule similar thereto, before permanent transfer to the service of the Central Government. However, the above decision would not be applicable in the cases of employees of ex Princely States for whom separate orders have been issued *vide* Ministry of Finance No F 5(14) E III/51 dated the 10th December, 1951 and of even No dated the 8th November, 1951.

[G I M F No F 18(3) EV/58 dated the 12th December 1958]

(18) Since the rules regarding the age of compulsory retirement of a few State Governments like Uttar Pradesh, Punjab and Madras do not contain provisions corresponding to F R 56 (b) (i), it has been brought to the notice of the Government of India that the order No (17) above operates harshly in the cases of persons who prior to their permanent transfer to the service of the Government of India held posts under the above-mentioned State Governments.

2. It has been decided that a person who held a lien or a suspended lien on a permanent post under a State Government on the 31st March 1938 and was permanently transferred to the service of the Central Government subsequently shall be governed by F R 56(b) (i) for the purpose of determining the age of compulsory retirement.

3. It has also been decided that the ministerial Government servants who on the 31st March 1938, held lien or suspended lien under the Government of U P, Madras or Punjab and who in accordance with order (17) above were not governed by F R 56 (b) (i) and consequently proceeded on leave preparatory to retirement prior to the issue of these orders may not return to duty in order to continue up to the age of 60 years.

4. The decision contained in para 2 above shall, however, not apply in the cases of the employees of the ex Princely States for whom separate orders have been issued *vide* Ministry of Finance No F 5(14) E III/51 dated the 10th December, 1951 and of even No dated the 8th November 1951.

[G I M F No F 32(4) EV/60 dated the 24th November 1960]

*Non ministerial servant promoted to a ministerial post*

(19) In accordance with the provisions of sub-clause (i) of F R 56(b) a ministerial Government servant who is not governed by sub-clause (ii) thereof should ordinarily be retained in service if he continues efficient upto the age of 60 years. A doubt has been raised whether the above benefit could be given in the case of a

person holding a permanent non ministerial post on the 31st March, 1938, but promoted subsequently to a ministerial post

2 It has been decided that the benefit of F R 56 (b) (i), will be admissible to all persons who were holding a lien or a suspended lien on a permanent post (ministerial or non ministerial) on the 31st March, 1938 and were holding a ministerial post in a substantive or officiating capacity on the date they attained the age of 55 years

[G I M F, No F 32(4) EV/60, dated the 12th October 1960]

(See order No 12 also for comparison)

### *Displaced Persons.*

(20) Displaced ministerial Government servants from West Pakistan areas who were holding permanent posts under their respective Provincial Governments in a substantive capacity from before the 1st April, 1938, but who have since been employed under the Central Government in a temporary capacity, should be governed in the matter of age of superannuation by F R 56 (b) (i)

[G I M H.A., No 26/15/49 Ests dated the 11th January, 1950]

(21) It has been decided, in consultation with the Ministry of Finance, that the displaced persons who were selected by the Employment Co ordinating Committee as highly qualified persons in 1948 for appointment as Assistants in the Central Secretariat, may be given extension of service after the date of superannuation up to the age of 60 years provided that —

(i) the person concerned was born before the 1st April, 1916,

(ii) he holds a ministerial post, and

(iii) he continues to be efficient, physically fit, and mentally alert

[G I M H.A., No 23/62/55-C.S (C), dated the 15th June 1955]

### *Deputation*

(22) Some cases have come to notice in which certain State Government servants who had been on deputation with the Government of India applied for leave preparatory to retirement in sufficient time before the date of their compulsory retirement and the same was refused on the grounds of exigencies of public service without consulting the State Government concerned. As the grant of refused leave after the date of compulsory retirement involves the automatic grant of an extension of service to the Government servant concerned for a corresponding period, which in turn besides causing administrative complications in the matter of confirmations etc involves financial implications in the shape of increased pensionary charges and the payment of leave salary in some of the cases referred to them the State Government concerned declined to bear the aforesaid financial liability on the ground that they had had no say in the refusal of the leave to the Government servants concerned. This caused hardship to the Government servants concerned and embarrassment to the Government of India. In order to avoid recurrence of such



cases, Ministries have been requested to ensure that the State Governments concerned are invariably consulted before leave preparatory to retirement is refused to any of their employees on deputation with the Central Government on the grounds of exigencies of public service under F R 86 or Rule 7 of Revised Leave Rules, 1933 as the case may be. If the State Governments do not agree to the refusal of such leave or refuse to bear the extra pensionary liability that might be involved thereby, the proper course would be to grant the leave preparatory to retirement applied for and concurrently to re-employ the Government servant concerned in his existing post, under the provisions of F R 69. The leave salary of such a Government servant shall be subject to such restrictions as the State Government concerned may impose.

2 The procedure prescribed in para 1 above will also apply, *mutatis mutandis*, in the case of Central Government servants on deputation from one Department (including a Commercial Department) of that Government to another

[G I M F, No. F. 7 (84) Est. IV/57, dated the 31st October, 1957]

### *Suspension*

(23) It has been decided that a Government servant who is retained in service beyond the date of compulsory retirement under the provisions of F R 56 (d) cannot, on his suspension being held to be wholly unjustifiable, be deprived of the service right accruing to him under sub rule (2) and (4) of F R 54 for the period he is so retained in service. It has also been held that the denial of such rights would not be justifiable as he has been retained in service beyond the date of compulsory retirement for the convenience of Government and not in his own interests. In the circumstances, the earlier order may be treated as cancelled.

When, in similar circumstances, the suspension of a Government servant is held to be not wholly unjustifiable, his pay and allowances for that period will be regulated by the provisions of sub rules (3) and (5) of F R 54 under which the competent authority may, at his discretion, prescribe the proportion of pay and allowances that may be granted to him for the period of suspension, and direct whether or not that period should be treated as having been spent on duty for any specified purposes.

[G I M F, No. F 19 (3) E IV/42, dated the 10th July, 1953]

(24) In cases of grant of extension of service to Government servants under suspension on charges of misconduct who may reach the age of superannuation while the case against them is undecided, it was held that since extension of service under clause (d) of F R 56 is only a formality and is almost automatic, no reference to Home Ministry or the Union Public Service Commission for formal sanction, which is required in ordinary cases of extension of service, is necessary.

[G I M H, No. F 53 (1) 51 Ests. dated the 21st June 1951]

*Workmen.*

(25) It has been decided to prescribe 60 years uniformly as the age of compulsory retirement for workmen in all Civil establishments except on the Railways, with the proviso that, after the age of 55 years, a workman may be required to retire on one month's notice or a month's pay in lieu thereof, and he may similarly retire after a month's notice. Whatever retiring benefits are admissible to workmen under the existing orders will be admissible on such retirement. Government will exercise this power to require a workman to retire between the ages of 55 and 60 only in those cases where a workman's health has been impaired to such an extent as to affect his utility as a workman or where he has been negligent or inefficient in the discharge of his duties. For this purpose, the Head of each office concerned should undertake an annual or other periodical review of each case after a workman has attained the age of 55 and at any time he considers the workman physically unfit to continue in service have him examined, by the appropriate medical authority to be decided in consultation with the Ministry of Health.

[G.I.M.F., No. F. 7 (37)-B V/49, dated the 7th August, 1951.]

(26) The Government of India's order No (25) above provides that after a workman has attained the age of 55 years, the Head of Office shall undertake an annual or other periodical review of each case, and if at any time, he considers any workman, to be physically unfit to continue in service, he will have him examined by an appropriate medical authority, to be decided in consultation with the Ministry of Health. Since it has been found that this procedure results in delays in the finalisation of such cases the Government of India have decided that in future such cases need not be referred to the Ministry of Health for decision as to the medical authority who should examine the workman concerned, and that the appropriate medical authorities should be determined as in para 2 below.

2. A workman whose pay, if fixed, or whose maximum pay in the scale prescribed under the Central Civil Services (Revision of Pay) Rules 1947, does not exceed Rs 60 per month should be regarded as a Class IV Government servant, in which case appropriate medical authority would be the Assistant Surgeon, Grade II. In the case of any other workman (other than a Class I or Class II Officer, if any), the Civil Surgeon would be the appropriate medical authority.

[G.I.M.F., No. F. 43 (6) E V/58, dated the 21st August, 1958.]

*Gazetted Officers*

(27) All events occurring in the history of service of a gazetted officer such as re-employment after attaining the age of superannuation from the same date and time, leave preparatory to retirement or retirement on attaining a specific age or after completing a specified period of service should be notified in the official gazette. In the case of leave preparatory to retirement a second notification that the officer is retiring on a particular date after enjoying this leave will not be necessary.

[G.I.M.H.A., No. 33/6/56-Exts. (A), dated the 9th April, 1957.]

cases, Ministries have been requested to ensure that the State Governments concerned are invariably consulted before leave preparatory to retirement is refused to any of their employees on deputation with the Central Government on the grounds of exigencies of public service under F R. 86 or Rule 7 of Revised Leave Rules, 1933, as the case may be. If the State Governments do not agree to the refusal of such leave or refuse to bear the extra pensionary liability that might be involved thereby, the proper course would be to grant the leave preparatory to retirement applied for and concurrently to re-employ the Government servant concerned in his existing post, under the provisions of F R. 69. The leave-salary of such a Government servant shall be subject to such restrictions as the State Government concerned may impose.

2 The procedure prescribed in para 1 above will also apply, *mutatis mutandis*, in the case of Central Government servants on deputation from one Department (including a Commercial Department) of that Government to another

[G I M F, No. F. 7 (84)-Est. IV/57, dated the 31st October, 1957]

### *Suspension*

(23) It has been decided that a Government servant who is retained in service beyond the date of compulsory retirement under the provisions of F R 56 (d) cannot, on his suspension being held to be wholly unjustifiable, be deprived of the service right accruing to him under sub rule (2) and (4) of F R 54 for the period he is so retained in service. It has also been held that the denial of such rights would not be justifiable as he has been retained in service beyond the date of compulsory retirement for the convenience of Government and not in his own interests. In the circumstances, the earlier order may be treated as cancelled.

When in similar circumstances, the suspension of a Government servant is held to be not wholly unjustifiable, his pay and allowances for that period will be regulated by the provisions of sub rules (3) and (5) of F R 54 under which the competent authority may, at his discretion, prescribe the proportion of pay and allowances that may be granted to him for the period of suspension, and direct whether or not that period should be treated as having been spent on duty for any specified purposes.

[G I M F, No F 19 (3) E IV/42 dated the 10th July, 1953]

(24) In cases of grant of extension of service to Government servants under suspension on charges of misconduct who may reach the age of superannuation while the case against them is undecided it was held that since extension of service under clause (d) of F R 56 is only a formality and is almost automatic no reference to Home Ministry or the Union Public Service Commission for formal sanction, which is required in ordinary cases of extension of service, is necessary.

[G I M H, No F/53 (1) 51 Ests, dated the 21st June 1951]

cases, Ministries have been requested to ensure that the State Governments concerned are invariably consulted before a delib-  
 paratory to retirement is refused to any of them. That in such a contract-  
 tion with the Central Government on the lines of rule 5 of the Central  
 public service under F R 86 or Rule 5 of the Fundamental Rules, 1949, namely, that the  
 as the case may be. If the State Government is to terminate at any time by the  
 refusal of such leave or refusal in the contract) by a notice on one month  
 that might be involved for one month or for the period by which  
 the leave preparatory to termination is refused to the condition under which such allowances are  
 re-employ the condition under which such allowances are  
 under the condition under which such allowances are  
 ment service.

The above safeguard should be provided not only in respect of  
 re-employment after superannuation but in respect of all cases of  
 appointment on contract.

[G I M H A, No F 33/11/57-Ests, (A), dated the 6th February, 1958]

## AUDIT INSTRUCTIONS

(1) Clauses (a) and (b) of F R 56 apply to all Government servants to whom the Fundamental Rules as a whole apply, whether they be holding temporary or permanent post substantively or in an officiating capacity. When a Government servant holding a permanent post substantively is officiating in another post, F R 56 (a), (b) and (c) (iii) should be applied according to the character of the post in which he is officiating and not according to the character of the permanent post held substantively by him.

NOTE — [Refer to Government of India's decision No. 12 below this rule]  
 [Para 1, Chap IX, Sec I of Manual of Audit Instructions].

(2) When a Government servant is required to retire, revert, or cease to be on leave, on attaining a specified age, the day on which he attains that age is reckoned as a non-working day and the Government servant must retire, revert, or cease to be on leave (as the case may be) with effect from and including that day. This rule applies to all Government servants, Civil, Military or Naval.

[Para 2, Chap IX, Sec I of Manual of Audit Instructions]

(3) F R 56 [Clauses (a) and (b)] is generally applicable to re-  
 for any staff personnel, and the rules in Chapter XXI of the C S R are  
 [G I M H A] to the conditions laid down in F R 56 Art 520 C S R,  
 from the nature of its concession and conditions puts the

(24) In the event of a person in receipt of a superannuation or retiring servants under a special class outside F R 56 and subject to the conditions the age of superannuation itself which must be observed with every renewal it was held that

is only a form [Para 1, Chap IX, Sec I of Manual of Audit Instructions]

Ministry or the Government of the occurrence of the word "ordinarily" in F R  
 tion, which is necessary for a Government servant can be retired from Govern-  
 necessar [G I M H A] of 55 and 60 years on grounds other

years amounts to a punishment. But where an employee has no unqualified right and his retention in service beyond the age of fifty-five depends on his continuing to be efficient to the satisfaction of the competent authority, it cannot be said that refusal by that competent authority to grant further extension of service after judging his efficiency would amount to a punishment so as to attract the provisions of Cl (1) of Art 311 (*Raghu Patro v. State of Orissa*, *A I R* 1958 *Orissa* 202).

(10) No ministerial servant can claim as a matter of right to be in service till the age of 60 and if the employee concerned is made to retire at the age of 55, he cannot complain of any breach of statutory obligation. R 56 (b) (i) of the Fundamental Rules does not confer any actionable right on the employee to be retained in service after the age of superannuation. It is discretionary for the authority concerned to retain a person in service.

It is not the cumulative effect of the periodical review of the work and of the medical examination that should be taken into account in determining the efficiency within the scope of F R 56(b)(i). A medical examination should be held only if the ministerial servant satisfied the standard referred to in Cl (a) and it would be unnecessary to have a medical examination if he does not conform to the standard of high efficiency contemplated by Cl (a). That apart, Cls (a) and (b) will come into operation only with regard to persons who continue in service after that age, the purpose being to ensure that they continue to be efficient between the ages of 55 and 60. These were instructions for the interests of public administration rather than for the benefit of the ministerial servant.

Discretion is vested in the departmental head to continue a ministerial servant in service or not under Fundamental Rule 56(b) (i) taking into consideration several factors which determine the efficiency or otherwise of the employee. He is the sole judge of the efficiency or otherwise of the ministerial servant and a Court cannot substitute its judgment for that of the competent authority.

The non continuance of a ministerial servant after the age of superannuation cannot be regarded as either dismissal or removal, etc., within the mischief of Art 311 (2) of the Constitution of India (*A I R* 1954 *S C* 574).

(11) The word "ordinarily" in F R. 56 (b) has been interpreted by the Governor General in the following words.—

'In view of the occurrence of the words "ordinarily" in F R 56(b) a ministerial Government servant can be retired from Government Service between the age of 55 and 60 years on grounds other than of efficiency and that in such case he has no claim to be retained in service upto the age of 60 years. The purpose of F R. 56 is not to confer upon Government servant any right to be retained in service upto a particular age but to prescribe the age

does not lose any part of the benefit that he has earned (*K. S. Shyamala v. State of U P*, *A I R* 1954 *S C* 369).

(3) A compulsory retirement, where a person had a right to continue in office, except on ground of misconduct, negligence, inefficiency or other disqualification, is a punishment. A compulsory retirement where a public servant has no right to continue in office is not a punishment (*K. V. Seshavaram v. State of Hyderabad* decided on 19-12-1958)

#### APPLICATION OF ART 311.

(4) Compulsory retirement does not fall under Art. 311 of the Constitution nor under S 240(3) of the G I Act, 1935. (*Das Mal v. Union of India*, *A I R* 1956, *Punjab* 42)

(5) If Art 311 is construed in the background of the statutory rules and regulations, it is clear enough that the expressions 'removal' and 'dismissal' in that Art cannot be interpreted so as to include a case of a compulsory retirement. The expressions 'removal' and 'dismissal' in this Art must be given the same meaning which is given in the statutory rules and regulations which were existent at the time the Constitution was enacted. If this view is correct, it must follow that the order of compulsory retirement passed against the petitioner does not fall within the purview of Art 311 of the Constitution of India (*Ram Adhar Singh v. State of Bihar*, *A I R* 1954 *Patna* 187)

(6) Compulsory retirement of a Government servant is not a 'removal' within the meaning of Art 311 of the Constitution of India. Consequently, the applicant was not entitled to an opportunity of showing cause as contemplated in that Article (*Rajkishore v. State of U P*, *A I R* 1954 *Alhahabad* 343)

(7) Art 311(1) speaks of the passing of the order of dismissal, or removal. It does not apply to the preliminary stages of the proceedings viz, the stage of inquiry, (*Shri Nandan Sinha v. State of West Bengal*, *A I R* 1954 *Calcutta* 60)

(8) The right of a ministerial officer to be retained in service until he attains the age of sixty years as recognised in sub rule (b) of Rules 71 of the Orissa Service Code (Vol I) is not an absolute right. It is a qualified right depending on his continuing to be efficient. The authority to decide whether he so continues to be efficient is the appointing authority, and if the appointing authority, after a review of the officer's work is satisfied that his efficiency has deteriorated and that he should not be granted further extension of service, it will not be proper for the High Court, in exercise of its extraordinary jurisdiction under Art 226 to sit in judgment over the opinion of the appointing authority and decide whether the materials before that authority for forming such an opinion are sufficient or not. (*Raghu Patro v. State of Orissa* *A I R* 1958 *Orissa* 202)

(9) Compulsory retirement prior to attaining the age of sixty

beyond which they may not be retained in service' This interpretation would now be deemed to be an order of the President. It is true that this interpretation is not binding on the Court but if any word is liable to have two meanings and if the right of interpreting has been given to the President and he has in exercise of that right interpreted a certain word then the court would ordinarily accept that interpretation unless it be inconsistent with the contents (L. *name of India Rly Department New Delhi v Kailash Chandra A I R. 1949 Allahabad 434*)

460 An officer, who is compelled to retire under the preceding Article, or who retires voluntarily under Article 464, and part of whose service has been Inferior (Class IV), is entitled to pension on the same conditions as if he had been invalided under Article 481, and to the option allowed by Article 398

### GOVERNMENT OF INDIA S ORDER.

An officer claiming a superannuation pension for his superior service under Art 464 can under Art 398 also be granted a separate invalid gratuity for his inferior service (Class IV) previously rendered by him without submitting a medical certificate of unfitness for further service

[G I F D No 1194 P dated the 17th March 1896 Paragraph 250 of the India Supplement]

461 and 462 Deleted

463 Deleted

### Optional Retirement at Fifty five

464 An officer in Superior service who has attained the age of 55 years may, at his option retire on a Superannuation pension

### GOVERNMENT OF INDIA S ORDER

A person is not debarred from availing himself of the concession in this Article simply because he did not exercise his option immediately on attaining the age of 55 years and consequently he cannot be considered as retiring on grounds of inefficiency if he retires of his own accord when the extension is over. The question when an officer above 55 years of age retires on grounds of inefficiency under Art 459 or at his own option under Art 464, is one of the fact and it should be recorded on the pension application in accordance with Art 912 C S R

[L.S. Pen 952 dated the 23rd March 1906 Paragraph 251 of the India Supplement]

Superior jurisdiction under Art 22 SECTION V—RETIRING PENSION

the appointing authority pension is granted to an officer who is permitted that authority for forming qualifying Superior service for thirty years (Raghu Patro v State of Orissa) or any special class of officers be prescribed

(9) Compulsory retirement relevant who has elected to retire under this Article a to that effect to the competent authority shall

against whom it is not desirable to make formal charges of inefficiency, or, who has ceased to be fully efficient, but not to such a degree as to warrant his retirement on compassionate allowance. It is not the intention to use the provision of this Note as a financial weapon, i.e., the provision should be used only in the case of officers, who are considered unfit for extension on personal, as opposed to financial grounds.

(b) The word 'Government' in the Note should be interpreted to mean, "the authority which has the power of removing the officer concerned from service under Civil Service (Classification, Control and Appeal), Rules".

(c) This Note applies only to officers in Art 349A C S R

[G I F D, No F 6 LXXXV-R II/33, dated the 1st November, 1933, Paragraph 262 of the Punjab Manual]

(2) The compulsory retirement effected in pursuance of Note 1 amounts to removal from service within the meaning of Section 240 (3) of the G I Act, 1935

[G I M H A No 263/47 Ests dated the 12th March, 1948 Paragraph 263 of the Punjab Manual]

### *Application of Note 2*

(3) Note 2 which was introduced with the new pension rules announced on the 15th November, 1919 reserved to Government an absolute right to decline to permit an officer to retire before reaching the age of superannuation, should it be necessary in the public interest to retain his services. This Note has, it is understood, led members of the services to fear that it may in the future be difficult to secure permission to retire before the age of superannuation. Indeed, certain officers have, it is believed, on this account refused to accept the new pension rules. In order to allay this apprehension, it has been decided —

(a) in the case of officers in service on the 15th November, 1919, to substitute for the rule in Note 2 under this Article a rule giving them the right to retire subject to 6 months' notice, and

(b) in the case of officers who have joined or who may join service after that date, to substitute for the rule in this Note, a new rule corresponding to the rule in Art 561 C S R which has always been applicable to the members of the I C S and permitting them to retire on pension under the ordinary rules when their resignation has been accepted

An officer who may have desired to elect to come under the provisions of the new pension rules but because of his objection to this Note, did not do so, may now elect in writing before the 31st March, 1922, or *ad us*. This option applies also to any person, who may have retired already after the announcement of new pension terms in November 1919

[G I F D No 1155 C S R dated the 22nd November, 1921 Paragraph 256 of the India Supplement]



465AA. For officers referred to in Article 349AA the rule for the grant of retiring pension is as follows :—

- (1) An officer is entitled, on his resignation being accepted a retiring pension after completing qualifying service of not less than 30 years.
- (2) A retiring pension is also granted to an officer who is required by Government to retire after completing 25 years' qualifying service or more.

NOTE.—[Government retains an absolute right to retire an officer after he has completed 25 years' qualifying service without giving any reasons and no claim to special compensation on this account will be entertained. This right will not be exercised except when it is in the public interest to dispense with the further service of the officer]

466. (See Article 509A).

### Combined Appointments

467. An officer holding two or more separate appointments may not, save with the express sanction of the Government of India in the Finance Department, or if pensions are a Provincial charge, of the Provincial Government, resign one or more of such appointments on a pension, without retiring from the public service altogether. There is no objection to his being relieved from one or more of such appointments at any time, without being compelled to leave the service altogether ; but in such case, any pension admissible to him for service in the office or offices from which he is relieved, will be deferred until he finally retires.

NOTE.—[The Government of India may delegate its power under this Article to Minor Local Governments and Heads of Departments. A Provincial Government also may delegate its power to Heads of Departments.]

## GOVERNMENT OF INDIA'S ORDER.

The rule that an officer holding two appointments may not retire on pension from one only is based upon the principle that superannuation pensions should not be given to officers who are sufficiently efficient for the discharge of their duties, and that any arrangement which encourages officers to seek superannuation while they are or can make themselves efficient, causes unnecessary expenses to Government.

[G.I.D. No. 2470 P. dated the 24th May, 1895, Paragraph 264 of the Punjab Manual.]

## Chapter XIX—Amount of Pension

### SECTION I—GENERAL RULES

468. The amount of pension that may be granted is determined by length of service as set forth in Articles 474 to 485. Fractions of a year are not taken into account in the calculation of any pension admissible to any officer under this part of these Regulations:

Provided that in respect of officers retiring from service on or after 22nd April, 1960, fractions of a year equal to six months and above shall be treated as a completed six-monthly period for the purpose of calculation of any pension admissible to such an officer.

## GOVERNMENT OF INDIA'S ORDER

In calculating the length of service and adding together broken periods of a month, a month should always be taken to consist of 30 days only irrespective of the actual number of days contained in each month (Madras Supplement)

468A. Pensions fixed in rupees should be calculated to the nearest multiple of 5 naye Paise

NOTE —[This rule applies to all pensions granted under these Regulations]

## GOVERNMENT OF INDIA'S ORDERS

### *Use of Decimal system*

(1) Decimal system of coinage was introduced from the 1st April 1957. The average emoluments of persons who retired before this date should be calculated in rupees, annas and pies and then converted into decimal coinage in accordance with conversion Tables and should not be rounded off to the nearest multiple of 5 nP

In the case of Government servants \*who retired before the 1st April 1957, but whose pension payment orders are issued after the 1st April, 1957, the pension should be first fixed in accordance with the old Art 468A in rupees and annas and then converted into decimal coinage in accordance with the conversion Tables but should not be rounded off to the nearest multiple of naye Paise

[G I M F No F 4 (76) F III/55, dated the 17th April, 1958] (Imp)

(2) The word\* "retired" will have broader connotation to include all types of casualties such as disability, invalidment, death, etc

The amount of pension in family pension claims, in the case of a disability or invalidment pensioner, who died on or after the 1st April 1957 or the amounts in the 2nd life award of family pensions in cases where the death/disqualification of the original or first recipient occurred on or after the 1st April 1957, will be rounded off to the nearest 5 naye Paise as the casualty immediately giving rise to the claim has occurred on or after the 1st April, 1957

[G I M F No 4 (76) C & C/55 dated the 3rd February, 1959.]

(3) Where the amount of a pension works out to a certain number of rupees and multiples of five naye Paise plus 2 5 naye Paise, it is clarified that 2 5 naye Paise will be ignored in determining the amount of pension

[G I M F No F 7 (8) EV/57, dated the 9th May, 1958] (Imp.)

### Currency

469 A pension is fixed in rupees, and not in sterling money, even though it is to be paid in England.

## Award of Full Pension

470 (a) The full pension admissible under the rules is not to be given as a matter of course, or unless the service rendered has been really approved (See Appendix 9)

(b) If the service has not been thoroughly satisfactory, the authority sanctioning the pension should make such reduction in the amount as it thinks proper

Provided that in cases where the authority sanctioning pension is other than the appointing authority, no order regarding reduction in the amount of pension shall be made without the approval of the appointing authority

## GOVERNMENT OF INDIA S ORDERS

*Powers of President to reduce pension*

(1) The President will in the case of officers appointed by him consult the Union Public Service Commission whenever he proposes to pass an order awarding a pension including an additional pension less than the maximum admissible under the rules

Whenever an order reducing the pension of an officer under the rule making control of the President is passed the officer affected shall have right of appeal to the authority to whom an appeal from an order of dismissal or removal lies

Where the original order of reduction of pension is passed by the President the Union Public Service Commission shall by convention be consulted before the order is passed This convention shall be extended so as to require prior consultation with the Commission before any order is passed by the President in appeal

[G I H D No F 195 37 Ests dated the 20th September 1937 Paragraph 261 of the Ind a Supplement]

(2) The power to reduce pension in the case of Ex Secretary of State officers vests in the President alone even if after Independence he continued to serve under the rule making control of a State Government

[G I M F U O No 2112 EV (C)/60 dated th 18th June 1960]

*Power of States to reduce pension*

(3) A Provincial Government has not the power to reduce a pension already granted when proof which was not available at the time of sanctioning the pension is subsequently given of the pensioner's service not having been thoroughly satisfactory

[G I F D No 5752 P dated the 7th November 1901 (Burma) Paragraph 270 of the Punjab Manual]

*Reduction in pension due to unsatisfactory service*

(4) (a) This Article cannot be used directly to effect a penal recovery but Government are justified in making proof of a specific

instance of fraud or negligence by an officer on the ground for a finding that his service has not been thoroughly satisfactory within the meaning of this Article for the purpose of reducing his pension

(b) The measure of the reduction in the amount of pension made under this Article should be the extent by which the officer's service as a whole has failed to reach a thoroughly satisfactory standard, and any attempt to equal the amount of reduction with the amount of loss caused to Government is incorrect

(c) This Article contemplates permanent reduction in the amount of pension ordinarily admissible and does not admit of the reduction of the pension payable in respect of any one particular year.

[G I F D No F 6 (10) R 11/39 dated the 15th March, 1939]

(5) This Article does not operate to authorise a reduction of ordinary pension either to nothing or to a nominal amount

[G I H D No 9/1/41 Ests, dated the 2nd September, 1941, Paragraph 272 of the Punjab Manual]

#### *Cases of reduced pensions not to be re-opened.*

(6) Any case in which a pension or a Compassionate allowance which may be less than maximum admissible has been once sanctioned, should not be re opened without any special reasons

[G I F D U O No 1758/R 11/42, dated the 22nd September, 1942, Paragraph 260 of India Supplement]

(7) See Government of India's orders Nos (3) and (4) below Art 351A

(8) According to paragraph 10(3) of the Liberalized Pension Rules, gratuity or pension shall be sanctioned after giving due regard to the provision of this Article. The net amount of death gratuity payable is the amount permissible under paragraph 3(3) *ibid* *minus* the amount which has to be reduced under the provision of this Article, though this net amount becomes less than 12 months' emoluments

[G I M F No F 19(21) EV/55 dated the 11th October, 1955]

#### AUDITOR GENERAL'S ORDER.

Once the competent authority holds that the service of an officer has not been thoroughly satisfactory and reduces pension under this Article, it will not be possible for audit to challenge or question the measure by which the amount of the reduction has been determined, whether the total amount reduced happens to be equal to or more or less than the amount of any loss caused to Government by the officer's negligence or fraud. The matter will thus rest entirely with the administrative authorities and audit will not be concerned

[Ar Genl's letter No 199 A/305-38, dated the 5th April, 1939]

### Illustration

**Q** Are losses caused by the negligence of an officer who entered service on the 1st January 1940, recoverable from his pension

**Ans** In case the pension has not been sanctioned the Government will be justified in making proof of a specific instance of negligence by an officer the ground for a finding that his service has not been satisfactory within the meaning of Art 470 (a) and the sanctioning authority may make such reduction in the amount of pension *vide* Art 470 (b)

If the pension has once been sanctioned the President resumes to himself the right of ordering the recovery from a pension of the whole or part of any pecuniary loss caused to Government *vide* Art 351A C S R

### Limitations

471 An Officer entitled to pension may not take a gratuity instead of pension

NOTE — See Note 2 under Article 807

### GOVERNMENT OF INDIA S ORDER

This Article applies to cases coming under Art 398 even to the extent of cancelling the choice conferred by that Article For instance if by his Class IV service an officer has earned a pension on the Class IV scale he cannot instead of it take a gratuity on the superior scale for the superior service but his case must be dealt with under Art 398 (a) Again if the superior service entitles an officer to a pension on the superior scale he cannot elect to count the whole service (Superior and Class IV) as Class IV towards a gratuity on the Class IV scale

[G I F D No 2994 P dated the 29th June 1895 Paragraph 274 of the Punjab Manual]

472 In the case of an officer who has any service under the Imperial (British) Government, pension from Indian Revenues should not be fixed until it has been ascertained whether any pension is payable from Imperial funds in respect of the service under the British Government

473 An officer, not being a Military officer or a member of the Indian Civil Service transferred to service under the Government of a Dominion Crown Colony, Protectorate or a Territory mandated to the British Government, on final retirement from such service on pension or compensation allowance, may be granted from Indian revenues a pension equal to the pension which would have been admissible if he had been invalided from the service at the date of his transfer, or, if no such pens on would have been admissible, a pension of one sixtieth of his average emoluments for each completed year of qualifying service, such average emoluments to be calculated for the last three years, or,

if the whole service in India is less than three years, for the whole period of service.

NOTE.—The sanction of the Government of India is required to the transfer of an officer to any service of the description mentioned in this Article\*.]

## GOVERNMENT OF INDIA'S ORDER.

The expression "compensation allowance" which occurs in this Article means the pension given to an officer whose appointment is abolished, in order to compensate him for the loss of office.

[Paragraph 275 of the Punjab Manual]

473A (1). If a civil servant, as defined by Section 12 of the Superannuation Act, 1887, is appointed by the Governor-General in Council to any office under the Crown in India, the Governor-General in Council may direct that his service in that office shall qualify for the grant of a pension or gratuity as if it were service rendered in the office held by him as a civil servant immediately before his appointment to service in India, and there shall be paid to or in respect of him, out of the revenues of the Governor General in Council and shall be charged on those revenues, in respect of the whole period of his absence from the United Kingdom in connection with his appointment to service in India a pension or gratuity calculated in accordance with the Superannuation Acts, 1834 to 1935, and the orders, rules and regulations made thereunder, but on the basis of the salary of the office last held by him as a civil servant before his appointment to service in India.

(2) No such direction as aforesaid shall be given in relation to service in any office if the service of the person in question in that office would qualify for the grant of a pension without any such direction.

(3) Any grant made under these rules is subject to reduction or suspension or withdrawal in the same way as pension or gratuity under the Superannuation Acts, any reduction of a total award of which a grant under these rules forms part being applied proportionately.

## SECTION II—AMOUNT OF SUPERIOR PENSION

NOTE.—[The rules in this Section are to be read as superseded by rule\* 13 and 14 of the 'Superior Civil Services (Revision Pay, Passage and Pension) Rules, 1924' to the extent indicated in those rules]

474. The amount of a pension is regulated as follows :—

- (a) After a service of less than ten years, a gratuity not exceeding (except in special cases, and under the orders of the Government of India, up to a maximum of 12 months' emoluments) one month's emoluments for each completed year of service. If the emoluments of the officer have been reduced during the last three years of his service, otherwise than as a penalty, average emoluments may, at the discretion of the authority which has power to sanction the gratuity, be substituted for emoluments.

\* Refer to page 157 of this compilation

(b) After a service of not less than ten years a pension not exceeding the following amounts :—

Years of completed Service		Scale of pension		Maximum limit of pension	
				Rs	Rs
10	10	sixtieths of average emoluments		2,000 a year or	166-2/3 a month.
11	11	" "	"	2 200 "	183 1/3 a month.
12	12	" "	"	2 400 "	200 "
13	13	" "	"	2,600 "	216 2/3 "
14	14	" "	"	2,800 "	233-1/3 "
15	15	" "	"	3,000 "	250 "
16	16	" "	"	3,200 "	266 2/3 "
17	17	" "	"	3,400 "	283 1/3 "
18	18	" "	"	3,600 "	300 "
19	19	" "	"	3 800 "	316-2/3 "
20	20	" "	"	4 000 "	333-1/3 "
21	21	" "	"	4,200 "	350 "
22	22	" "	"	4,400 "	366-2/3 "
23	23	" "	"	4,600 "	383-1/3 "
24	24	" "	"	4,800 "	400 "
25 and above 30		" "	"	5,000 "	416-2/3 "

NOTE —[For the precise meaning of average emoluments, see Articles 486 and 487]

(2) Notwithstanding anything contained in clause (1), in respect of officers retiring from service on or after 22nd April, 1960, the amount of pension be regulated as follows :—

(a) after a service of less than ten years, a gratuity not exceeding (except in special cases, under the orders of the Government of India, upto a maximum of 12 months' emoluments) one-half month's emoluments for each completed six-monthly period of service. If the emoluments of the officer have been reduced during the last three years of service; otherwise than as a penalty, average emoluments may, at the discretion of the authority which has power to sanction the gratuity, be substituted for emoluments ;

(b) after a service of not less than ten years a pension not exceeding the following amounts (see next page) —

## GOVERNMENT OF INDIA'S ORDER

### Temporary Increase

(1) Central Government pensioners who retired from service before the \*15th July, 1952 have been granted a temporary increase in

\*From the 1st January 1946, the rates of temporary increase were those sanctioned in G I F D letter No F 1 (22)—W 1/45, dated the 26th May, 1945 which were on the following scale —

Pension not exceeding Rs 20 p m	Rs 4 p m
Exceeding Rs 20 but not exceeding Rs 60 p m	Rs 5 p m
Exceeding Rs. 60 but not exceeding Rs 100 p m	Rs. 6 p m
Exceeding Rs 100 but not exceeding Rs. 106 p m	Such increase as will bring the total pension to Rs. 106 p m.

their pensions on the following scales —

Pension upto Rs 50/ p m	A temporary increase of Rs 10/ p m
Pension above Rs 50/ but not above Rs 100/ p m	A temporary increase of Rs 12 50 p m
Pension above Rs 100 p m	Such temporary increase as will bring the total pension to Rs 112 50 p m †
[see Art 474 (2) (b)]	

Completed six months periods of qualifying service	Scale of pension	Maximum limit of pension	
		Rs	Rs
	10 s x 1/2 of average emoluments	2,000 a year or	166-2/3 a month
20	10 1/2	2 100	175
21	11	2 200	183 1/3
22	11 1/2	2 300	191 2/3
23	12	2 400	200
24	12 1/2	2 500	208 1/3
25	13	2 600	216 2/3
26	13 1/2	2 700	225
27	14	2 800	233 1/3
28	14 1/2	2 900	241 2/3
29	15	3 000	250
30	15 1/2	3 100	258 1/3
31	16	3 200	266 2/3
32	16-1/2	3 300	275
33	17	3 400	283 1/3
34	17 1/2	3 500	291 2/3
35	18	3 600	300
36	18 1/2	3 700	308 1/3
37	19	3 800	316 2/3
38	19 1/2	3 900	325
39	20	4 000	333 1/3
40	20 1/2	4 100	341 2/3
41	21	4 200	350
42	21 1/2	4 300	358 1/3
43	22	4 400	366 2/3
44	22 1/2	4 500	375
45	23	4 600	383 1/3
46	23 1/2	4 700	391 2/3
47	24	4 800	400
48	24 1/2	4 900	408 1/3
49	50 and above 30	5 000	416 2/3

†These enhanced rates of temporary increase will take effect from the 1st April 1958 that is in respect of pensions due for the months of April 1958 and subsequent period until further orders

Any pensioner who retired on or after the 15th July 1952 but before the 15th July 1955 will also be eligible to receive with effect from the 1st April 1958 the above rates of temporary increase on pension calculated under the normal rules (i.e. without taking into account the dearness pay) in lieu of the pension calculated after



taking into account the "Dearness Pay" if the former is more advantageous to him

[G I M F No F 8(5) EV/57, dated the 9th June, 1958]

NOTE—The concession in the last para has since been withdrawn, vide G I M F, No 33(7) EV/59, dated the 26th May, 1959

(2) The term 'Retired' in the above order includes cases of discharge, disablement and deaths prior to the 15th July, 1952

The above order also applies to family pensions granted under the new Pension rules, extraordinary pensions and Compassionate allowances

In the case of displaced Government servants the temporary increase will be admissible whenever the dearness pay has not been taken into account for determining the pension admissible, irrespective of the fact whether the retirement took place before the 15th July, 1952, or after. The enhanced rates of temporary increase do not apply to political pensions, special pensions and war-risk pensions

[G I M F, No F 8(5) EV/57, dated the 4th February 1960]

(3) Temporary increase in pension is determined on the pension granted originally and not on the pension after commutation

[G I M F, No 793 EV/59, dated the 20th February, 1959]

NOTE 1 —[In the case of a pensioner who is in receipt of a wound or injury pension or family pension under any of the extraordinary pension rules and is employed or re employed in Government service and is also eligible for dearness allowance the admissibility of temporary increase in pension should be determined with reference to the sum total of pay *plus* pension and that temporary increase should be allowed only if the sum total of pay does not exceed the limit upto which temporary increase is admissible the dearness allowance as admissible on the pay being allowed in addition

[G I M F., No 8(5) EV/55 dated the 8th May 1955]

NOTE 2 —The enhanced rates of temporary increase have been sanctioned to pensioners who retired before the 15th July, 1952 with a view to bringing them on the level of those pensioners in whose case an element of dearness allowance was taken into account while fixing their pensions. In view of this position pensioners in whose pension an element of dearness allowance has been taken into account should not be allowed the benefit of temporary increase even though it may be more advantageous. The orders in last para of order (1) above and in para 4 of No (26) under heading dearness pay below Art 486 are cancelled

[G I M F No F 33(7) EV/59 dated the 26th May 1959]

NOTE 3 —In the case of pensioners who were in permanent pensionable service on the 30th September 1938 as defined in para 9 of the *Liberalised Pension Rules* and exercised the option of drawing pension including additional pension under the old rules reduced by the pension equivalent of the gratuity admissible under the new Pension Scheme and received in lieu of this reduction the death *cum* retirement gratuity as provided under the same scheme the eligibility for and the rates of temporary increase should be determined with reference to the pension admissible under the rules in force on the 16th April 1950 reduced by the pension equivalent of the death *cum* retirement gratuity

[G I M F No 793 EV/59 dated the 20th February 1959]

474A. (1) For officers mentioned in Art. 349A, the amount of pension is regulated as follows :—

(i) Officers of the Imperial Services of the Forest, Geological Survey, Public Works, Railway and Telegraph Departments and any others covered by Art. 635 who entered service before the 6th day of December, 1932.

(a) For Invalid, \*Superannuation and Compensation pensions :—  
Up to 24 years of completed service,—as in Art. 474, thereafter :—

<i>Years of completed Service</i>	<i>Scale of pension</i>	<i>Maximum limit of pension</i>	
		<i>Rs</i>	<i>Rs</i>
25	30 sixtieths of average emoluments	5 000 a year, or	416-2/3 a month.
26	30 " " "	5,200 "	433 1/3 "
27	30 " " "	5,400 "	450 "
28	30 " " "	5,600 "	466-2/3 "
29	30 " " "	5,800 "	483 1/3 "
30	30 " " "	6,000 "	500 "

NOTE—Inserted with effect from 22nd April 1939 \*

(b) For retiring pensions :—

Up to 19 years of completed service,—as in Art. 474; thereafter :—

<i>Years of completed Service</i>	<i>Scale of pension</i>	<i>Maximum limit of pension</i>	
		<i>Rs</i>	<i>Rs</i>
20—24	30 sixtieths of average emoluments	4 000 a year, or	333 1/3 a month
25	30 " " "	5,000 "	416-2/3 "
26	30 " " "	5 200 "	433 1/3 "
27	30 " " "	5,400 "	450 "
28	30 " " "	5 600 "	466-2/3 "
29	30 " " "	5,800 "	483-1/3 "
30 and above 30	" " "	6 000 "	500 "

NOTE—[In the case of an officer with 20—24 years of completed service who enters service before 22 4 39 the amount of superannuation or compensation pension will be 30/60ths of average emoluments subject to a maximum limit of Rs 4,000 a year if this rate is more advantageous than that admissible under sub-clause (a) ]

(ii) Other Officers :—

(a) For retiring pensions :—

Up to 24 years of completed Service,—as in Art. 474; thereafter :—

<i>Years of completed Service</i>	<i>Scale of pension</i>	<i>Maximum limit of pension</i>	
		<i>Rs</i>	<i>Rs</i>
25	25 sixtieths of average emoluments	5,000 a year, or	416-2/3 a month.
26	26 " " "	5,200 "	433 1/3 "
27	27 " " "	5 400 "	450 "
28	28 " " "	5,600 "	466-2/3 "
29	29 " " "	5,800 "	483 1/3 "
30 and above 30	" " "	6,000 "	500 "

(b) For other pensions :—

Up to 25 years of completed service—as in Art 474 ; thereafter :—

Years of completed Service	Scale of pension			Maximum limit of pension		
				Rs	Rs	
26	30	sixtieths of average emoluments		5,200 a year, or	433-1/3 a month,	
27	30	" " "		5,400 "	450 "	
28	30	" " "		5,600 "	466 2/3 "	
29	30	" " "		5,800 "	483 1/3 "	
30 and above 30	"	" " "		6,000 "	500 "	

(2) Notwithstanding anything contained in clause (1), in respect of officers mentioned in Art. 349A retiring from service on or after 22nd April, 1960, the amount of pension shall be regulated as follows :—

(i) Officers of the Imperial Services of the Forest, Geological Survey, Public Works, Railway and Telegraph Departments and any others covered by Art. 635 who entered service before 6th day of December, 1932

(a) For Invalid, Superannuation, and Compensation pensions :—

Up to 49 completed six-monthly periods of qualifying service—as in Art 474 (2) thereafter :—

Completed six- monthly periods of qualifying Service	Scale of pension			Maximum limit of pension		
				Rs	Rs	
50	30	sixtieths of average emoluments		5,000 a year, or	416 2/3 a month	
51	30	" " "		5,100 "	425 "	
52	30	" " "		5,200 "	433 1/3 "	
53	30	" " "		5,300 "	441 2/3 "	
54	30	" " "		5,400 "	450 "	
55	30	" " "		5,500 "	458 1/3 "	
56	30	" " "		5,600 "	466 2/3 "	
57	30	" " "		5,700 "	475 "	
58	30	" " "		5,800 "	483 1/3 "	
59	30	" " "		5,900 "	491 2/3 "	
60 and above 30	"	" " "		6,000 "	500 "	

(b) For retiring pensions :—

Up to 39 completed six-monthly periods of qualifying service,—as in Art. 474 (2) ; thereafter :—

*Completed six-monthly periods of qualifying Service*

*Scale of pension*

*Maximum limit of pension*

					Rs		Rs	
40—48	30 sixtieths of	average emoluments	4,000	a year, or	333-1/3	a month.		
49	30	"	"	"	4,500	"	375	"
50	30	"	"	"	5,000	"	416 2/3	"
51	30	"	"	"	5,100	"	425	"
52	30	"	"	"	5,200	"	433 1/3	"
53	30	"	"	"	5,300	"	441 2/3	"
54	30	"	"	"	5,400	"	450	"
55	30	"	"	"	5,500	"	458 1/3	"
56	30	"	"	"	5,600	"	466 2/3	"
57	30	"	"	"	5,700	"	475	"
58	30	"	"	"	5,800	"	483 1/3	"
59	30	"	"	"	5,900	"	491 2/3	"
60	30	"	"	"	6,000	"	500	"

NOTE —[In the case of Officers with 40—48 completed six-monthly periods of service who entered service before 22nd April, 1939, the amount of superannuation or compensation pension will be 30/60ths of average emoluments subject to a maximum limit of 4 000 a year if this rate is more advantageous than that admissible under sub clause (a).]

(ii) Other officers —

(a) For retiring pensions :—

Up to 49 completed six-monthly periods of qualifying service,—  
as in Art. 474 (2) , thereafter :—

*Completed six-monthly periods of qualifying Service*

*Scale of pension*

*Maximum limit of pension*

					Rs		Rs	
50	25 sixtieths of	average emoluments	5 000	a year, or	416 2/3	a month.		
51	25-1/2	"	"	"	5,100	"	425	"
52	26	"	"	"	5,200	"	433-1/3	"
53	26 1/2	"	"	"	5,300	"	441 2/3	"
54	27	"	"	"	5,400	"	450	"
55	27 1/2	"	"	"	5,500	"	458 1/3	"
56	28	"	"	"	5 600	"	466-2/3	"
57	28 1/2	"	"	"	5 700	"	475	"
58	29	"	"	"	5,800	"	483-1/3	"
59	29 1/2	"	"	"	5,900	"	491 2/3	"
60 and above	30	"	"	"	6,000	"	500	"

## (b) For other Pensions :—

Up to 50 completed six-monthly periods of qualifying service—as in Art. 474 (2) ; thereafter :—

<i>Completed six-monthly periods of qualifying Service</i>		<i>Scale of pension</i>	<i>Maximum limit of pension</i>	
			Rs	Rs
51	30 sixths of average emoluments	5,100 a year or	425	a month.
52	30 " " "	5,200 " "	433-1/3	" "
53	30 " " "	5,300 " "	441 2/3	" "
54	30 " " "	5,400 " "	450	" "
55	30 " " "	5,500 " "	458 1/3	" "
56	30 " " "	5,600 " "	466-2/3	" "
57	30 " " "	5,700 " "	475	" "
58	30 " " "	5,800 " "	483-1/3	" "
59	30 " " "	5,900 " "	491-2/3	" "
60 and above 30	" " "	6,000 " "	500	" "

## SECRETARY OF STATES' ORDERS

## Extracts from Superior Civil Services Rules

13. (1) (a) In the case of members of the services and holders of the posts specified in Schedule V whose pensions are regulated under the Civil Rules and who retire on or after the 1st April, 1924, the maximum limits for retiring and superannuation pensions, excluding amounts earned for special additional pensions shall be as follows :—

	Rs
After 25 years' qualifying service	6,000
After 26 years' qualifying service	6,200
After 27 years' qualifying service	6,400
After 28 years' qualifying service	6,600
After 29 years' qualifying service	6,800
After 30 years' qualifying service	7,000

The provisions of this rule do not apply to officers mentioned in Art. 343 AA C.S.R.

(1) For members of the Indian Educational Service (Women's Branch) who retire on or after the 1st April, 1924, the maximum

limits for retiring and superannuation pensions shall be as follows :—

	Rs
After 20 years' qualifying service	4,750
After 21 years' qualifying service	4,950
After 22 years' qualifying service	5,150
After 23 years' qualifying service	5,350
After 24 years' qualifying service	5,550
After 25 years' qualifying service	5,750

(2) (a) Notwithstanding anything contained in sub-rule (1) in the case of members of the service and holders of the posts specified in Schedule V whose pensions are regulated under the Civil Rules and who retire on or after the 22nd April 1960, the maximum limits for retiring and superannuation pensions excluding amounts earned for special additional pensions shall be as follows —

	Rs
After 25 years' qualifying service	6,000
After 25½ " " "	6,100
After 26 " " "	6,200
After 26½ " " "	6,300
After 27 " " "	6,400
After 27½ " " "	6,500
After 28 " " "	6,600
After 28½ " " "	6,700
After 29 " " "	6,800
After 29½ " " "	6,900
After 30 " " "	7,000

(b) For members of the Indian Educational Service (Women's Branch) who retire on or after the 22nd April, 1960, the maximum limits for retiring and superannuation pensions shall be as follows —

	Rs
After 20 years' qualifying service	4,750
After 20½ " "	4,850
After 21 " "	4,950
After 21½ " "	5,050
After 22 " "	5,150
After 22½ " "	5,250
After 23 " "	5,350
After 23½ " "	5,450
After 24 " "	5,550
After 24½ " "	5,650
After 25 " "	5,750

14. (1) The rates of compensation and invalid gratuity and of invalid or compensation pension admissible to officers to whom Rule 13 applies, shall be as follows :—

Completed years of qualifying service,	Rate of gratuity or pension					Subject to a maximum in respect of officers to whom	
						13(1)(a) refers of	13 (1) (b) refer of
1 to 6	Gratuity of 1 month's pay for each completed year of service					Rs	Rs
7	Pension of 7-sixtieths of average emoluments					2,000	1,750
8	" 8 " " "					2,350	2,100
9	" 9 " " "					2,700	2,450
10	" 10 " " "					3,000	2,750
11	" 11 " " "					3,200	2,950
12	" 12 " " "					3 400	3,150
13	" 13 " " "					3,600	3,350
14	" 14 " " "					3 800	3,550
15	" 15 " " "					4,000	3,750
16	" 16 " " "					4 200	3,950
17	" 17 " " "					4,400	4,150
18	" 18 " " "					4,600	4,350
19	" 19 " " "					4,800	4,550
20	" 20 " " "					5 000	4,750
21	" 21 " " "					5 200	4,950
22	" 22 " " "					5,400	5,150
23	" 23 " " "					5,600	5,350
24	" 24 " " "					5,800	5,550
25	Pension of 30 sixtieths of average emoluments					6,000	5,750
26						6,200	
27						6,400	
28						6,600	
29						6,800	
30 and over.						7,000	

NOTE.—The provisions of this rule do not apply to officers mentioned in Art 349AA C.S.R.

(2) Notwithstanding anything contained in sub-rule (1) the rates of compensation and invalid gratuity and of invalid or compensation pension admissible to officers to whom Rule 13 (2) applies, shall be as follows :—

Completed six- monthly periods of qualifying service	Rate of gratuity or pension	Subject to a maxi- mum in respect of officers to whom	
		13(2)(a) refers of	13(2)(b) refers of
1 to 13	Gratuity of 1/2 month's pay for each six monthly period of qualifying of service	Rs.	Rs.
14	Pension of 7-sixtieths of average emoluments	2,000	1,750
15	7-1/2	2,175	1,925
16	8	2,350	2,100
17	8-1/2	2,525	2,275
18	9	2,700	2,450
19	9-1/2	2,850	2,600
20	10	3,000	2,750
21	10 1/2	3,100	2,850
22	11	3,200	2,950
23	11-1/2	3,300	3,050
24	12	3,400	3,150
25	12 1/2	3,500	3,250
26	13	3,600	3,350
27	13-1/2	3,700	3,450
28	14	3,800	3,550
29	14 1/2	3,900	3,650
30	15	4,000	3,750
31	15 1/2	4,100	3,850
32	16	4,200	3,950
33	16-1/2	4,300	4,050
34	17	4,400	4,150
35	17-1/2	4,500	4,250
36	18	4,600	4,350
37	18 1/2	4,700	4,450
38	19	4,800	4,550
39	19 1/2	4,900	4,650
40	20	5,000	4,750
41	20-1/2	5,100	4,850
42	21	5,200	4,950
43	21 1/2	5,300	5,050
44	22	5,400	5,150
45	22-1/2	5,500	5,250
46	23	5,600	5,350
47	23-1/2	5,700	5,450
48	24	5,800	5,550
49	24 1/2	5,900	5,650
50	Pension of 30 sixtieths of average emoluments	6,000	5,750
51		6,100	
52		6,200	
53		6,300	
54		6,400	
55		6,500	
56		6,600	
57	"	6,700	"
58		6,800	
59		6,900	
60 and above		7,000	



## SCHEDULE V (See Rule 13)

NOTE.—This list is not exhaustive.

*All India Services —*

Indian Police Service, Indian Educational Service, Indian Agricultural Service Indian Forest Service, Indian Forest Engineering Service, Indian Service of Engineers Indian Veterinary Service.

*Central Service —*

Indian Audit and Accounts, Central Secretariat Service Selection Grade and Grade I, Military Accounts, Mint and Assay Departments Customs Service, Superior Telegraph Engineering and Wireless Branch, Geological Survey, Meteorological Service, Mines Department, Indian Railway Service of Engineers, Archaeological Department Zoological Survey Class I, Survey of India, Political Department (other than officers of the I.C.S.).

Officer who, though not members of one of the services mentioned above hold posts borne on the cadres of any of those services of the Indian Civil Service, Central Engineering Service, Class I.

*Indian Posts and Telegraphs Department —*

Director General.  
Deputy Director-General.  
Postmaster-General.  
Deputy Postmaster-General.  
Assistant Postmaster-General,  
Presidency Postmasters.  
Telegraph Traffic Service, Class I.  
Controller Telegraph Stores.  
Assistant Controller, Telegraph Stores.  
Superintendent, Telegraph Workshops.  
Assistant Superintendent, Telegraph Workshops

*Civil Aviation Directorate —*

Director-General.  
Deputy Directors General.  
Directors.

*Income Tax Department —*

Commissioners  
Assistant Commissioners

*Printing and Stationery Department —*

Controller of Printing Stationery and Stamps (now known as Controller of Printing and Stationery, India),  
Deputy Controller, Stationery.  
Deputy Controller, Printing.  
Deputy Controller, Forms.  
Manager, Government of India Press, Calcutta

Manager, Government of India Press, Delhi  
 Manager Government of India Press Simla  
 Manager Government of India Press, Aligarh.

*Northern India Salt Revenue Department —*

Assistant Commissioner (Selection Grade) (while held by Mr C. S. Haygarth)

*Central Excise Department (including Narcotics Department) —*

Collectors (including Narcotics Commissioner)  
 Deputy Collectors (including Deputy Narcotics Commissioner)  
 Assistant Collectors Class I (Senior Scale)

*Military Engineer Service —*

All officers appointed to posts in the Senior Scale of Class I of this Service and above  
 Director Engineer Research Station  
 Chief Architect and Junior Architect

*Ministry of Industry and Supply —*

Salt Controllers  
 Deputy Salt Controllers.  
 General Manager, Rajputana Salt Sources

*Miscellaneous Posts (Central) —*

Under Secretaries to the Government of India  
 Under Secretary Office of the Military Secretary to the President  
 Registrar of Joint Stock Companies Calcutta  
 Registrar of Joint Stock Companies Bombay  
 Director General Commercial Intelligence and Statistics (when not held by a member of the Indian Civil Service)  
 Two Deputy Directors of Commercial Intelligence and Statistics (when not held by member of the Indian Civil Service)  
 Imperial Dairy Expert  
 Curator Industrial Section, Indian Museum  
 Superintendent Watch and Ward  
     East Bengal Railway and East } (When held by an Officer declared  
     Indian Railway } pensionable)  
 Superintendent Viceregal Estates  
 Deputy Commissioner of Salt Revenue Madras  
 Deputy Collector of Salt Revenue, Bombay  
 Secretary, Central Board of Revenue  
 Chief Inspector of Explosives  
 Government Examiner of Questioned Documents Home Department  
 Government of India

Assistant Government Examiner of Questioned Documents, Home Department, Government of India

Assistant Director Intelligence Bureau at the Headquarters of the Government of India

Assistant Secretaries to the Government of India (including Assistant Financial Advisers Military Finance) and the Secretary, Imperial Council of Agricultural Research

Establishment Officer, Army Department Government of India

Master Security Printing India	} (When not held by military officers on the active list of the Regular Army)
Deputy Master, Security Printing India	
Deputy Controller of Stamps	
Controller of Insurance	

Assistant Controllers of Insurance

Actuary to the Government of India

Controller of Patents and Designs

Keeper of the Records of the Government of India

Advisory Chemist, Medical Store Depot Madras

Director General of Health Services

Deputy Director General of Health Services

Additional Deputy Director General of Health Services

Deputy Assistant Directors (Pay and Pension), General Headquarters

Specialist Officers who were before the 1st April 1924 admitted to the scale of pay appended to the Government of India's Public Works Department Circular No 1 P W Dated 29th March 1921 and granted Pensionary privileges

Chief Judges of Small Causes Courts of Presidency Towns	} If not pensionable under Art 549 of the Civil Service Regulations
Judges of Chief Courts Judicial Commissioners & Additional Judicial Commissioners	

Judges of High Courts (if not pensionable under the High Court Judges India Rules 1922 or under Article 549 C.S R)

*Railway Department —*

Indian Railway Accounts Service (Pensionable Members of this Service)

**474AA** For Officers referred to in Article 349AA the amount of gratuity and pension is regulated as follows —

- (a) After a service of less than ten years a gratuity, not exceeding one month's emoluments of each completed year of service. If the emoluments of the officer have been reduced during the last three years of his service otherwise than as a penalty, average emoluments may, at the discretion of the authority which has power to sanction the gratuity, be substituted for emoluments
- (b) After a service of not less than ten years a pension not

exceeding the following amounts :—

(i) For Superannuation, invalid and compensation pensions :—

Years of com- pleted service	Scale of Pension	Maximum limit of pension			
		Table A		Table B	
		Central Service Class I		Other Officers	
		Rs.	Rs.	Rs.	Rs.
10	10 sixtieths of average emoluments	2000 a year or 166½ a month	2000 a year or 166½ a month	2,000 a year or 166-2/3 a month	2,000 a year or 166-2/3 a month
11	11 "	2,200 "	183½ a month	2,150 "	179-1/6 "
12	12 "	2,400 "	200 "	2,300 "	191-2/3 "
13	13 "	2,600 "	216 2/3 "	2,450 "	204 1/6 "
14	14 "	2,800 "	233½ "	2,600 "	216-2/3 "
15	15 "	3,000 "	250 "	2,750 "	229-1/6 "
16	16 "	3,200 "	266-2/3 "	2,900 "	241-2/3 "
17	17 "	3,400 "	283½ "	3,050 "	254-1/6 "
18	18 "	3,600 "	300 "	3,200 "	266-2/3 "
19	19 "	3,800 "	316-2/3 "	3,350 "	279-1/6 "
20	20 "	4,000 "	333½ "	3,500 "	291-2/3 "
21	21 "	4,200 "	350 "	3,650 "	304-1/6 "
22	22 "	4,400 "	366-2/3 "	3,800 "	316-2/3 "
23	23 "	4,600 "	383½ "	3,950 "	329-1/6 "
24	24 "	4,800 "	400 "	4,100 "	341-2/3 "
25	30 "	5,000 "	416-2/3 "	4,250 "	354-1/6 "
26	30 "	5,200 "	433½ "	4,400 "	366 2/3 "
27	30 "	5,400 "	450 "	4,550 "	379 1/6 "
28	30 "	5,600 "	466-2/3 "	4,700 "	391-2/3 "
29	30 "	5,800 "	483½ "	4,850 "	404 1/6 "
30 and above	30 "	6,000 "	500 "	5,000 "	416-2/3 "

(ii) For retiring pension :—

Year of com- pleted service	Scale of pension	Maximum limit of pension			
		Table A		Table B	
		Central Services Class		Other Officers	
		Rs.	Rs.	Rs.	Rs.
25	25 sixtieths of average emoluments	5000 a year or 416-2/3 a month	4,250 a year or 354-1/6 a month	4,250 a year or 354-1/6 a month	4,250 a year or 354-1/6 a month
26	26 "	5,200 "	433½ "	4,400 "	366-2/3 "
27	27 "	5,400 "	450 "	4,550 "	379-1/6 "
28	28 "	5,600 "	466-2/3 "	4,700 "	391-2/3 "
29	29 "	5,800 "	483½ "	4,850 "	404 1/6 "
30 and above	30 "	6,000 "	500 "	5,000 "	416-2/3 "

475. Officers holding any of the appointments enumerated below and belonging to what was formerly termed the Uncovenanted Service, may be allowed by the Local Government an additional pension of Rs. 1,000 a year, provided that they have rendered less than three

years of effective service (that is, service of the same nature as that which, under the provisions of Article 644, counts for the special pensions admissible under Article 642) in such appointment, and provided also that in each case during such service the officer has shown such special energy and efficiency as may be considered deserving of the concession. In the case of officers entering Government service after the 31st December, 1909, the grant of additional pension is subject to the further condition that they must, in the event of voluntary retirement, has completed twenty-eight years of qualifying service. The same rule applies to officers of the Forest Department who entered Government service on or before the 31st December 1909 (including those who were appointed on probation on or before that date), with the exception of those who have, at the time of their retirement, rendered three years' active service or not less than the maximum pay of a Conservator. Voluntary retirement for the purpose of this rule should be taken as retirement under Article 465.

**REGISTRATION DEPARTMENT.**—Inspectors General under Local Government, but not under Chief Commissionerships.

**POLICE DEPARTMENT.**—Inspectors-General and Deputy Inspectors-General under Local Governments and Administrations, and the Commissioners of Police, Calcutta, Madras, Rangoon and Bombay.

**JAIL DEPARTMENT.** Inspectors-General under Local Governments, but not under Chief Commissionerships.

**EDUCATION DEPARTMENT.**—Directors of Public Instruction under Local Governments and Administrations.

#### ACCOUNTS DEPARTMENT (CIVIL)—

(a) Auditor General and Accountants-General.

(b) (i) In the case of officers of the late Enrolled List now employed in the Indian Finance Department who have not elected the scale of pay sanctioned in the Secretary of State's Despatch No 51 Financial, dated the 11th May 1906—Deputy Comptroller General, Deputy Auditors General, †Comptroller, India Treasuries, and §Comptroller, Central Provinces.

(ii) In the case of other officers of the Indian Finance Department—Appointments in Class I of the Department (including those in Class I of the late Enrolled List and in Class I of late Superior Accounts Branch of the Public Works Departments).\*

\*Mr. T. Rayan is subject to the special rule in Article 642 of these Regulations.

**ACCOUNTS DEPARTMENT (MILITARY)**—Military Accountant-General and Controllers of Military Accounts

**INDIAN POSTS AND TELEGRAPHS**—Posts included in the schedule of appointments carrying additional pension below Article 475A.

**AGRICULTURAL DEPARTMENT**—Agricultural Adviser to the Government of India.

**FOREST DEPARTMENT.**—Inspector General of Forests, and Conservators.

†Now styled Accountant-General, Central Revenues.

§Now styled Accountant General, Madhya Pradesh.

ARCHAEOLOGICAL DEPARTMENT—Director General

GEOLOGICAL SURVEY DEPARTMENT—Director

SURVEY DEPARTMENT—Surveyor General and Superintendents of Circles

METEOROLOGICAL DEPARTMENT—Director-General of Observatories

GENERAL ADMINISTRATION—Commissioners of Divisions

CRIMINAL INTELLIGENCE DEPARTMENT—Deputy Director of Criminal Intelligence

IMPERIAL CUSTOMS DEPARTMENT—Collectors

PRINTING, STATIONERY AND STAMPS DEPARTMENT—Controller

NOTE 1—[See special addition to the form of certificate in Form No 26 (Pension)]

NOTE 2—[The provisions of this Article apply to Telegraph officers appointed on or after 1st April, 1914]

## GOVERNMENT OF INDIA'S ORDERS

(1) An officer holding one of the appointments referred to in Articles 475 and 642 C S R but temporarily placed on military duty reckons towards additional pension the period of his service in the Military Department. The period of military duty should, however, be allowed to qualify in cases in which the Government of India are satisfied that if the officer had not temporarily left the Civil Department, he would have rendered in a qualifying appointment, service of such a character as to render him eligible under the regulations for special additional pension.

[S S s despatch No 41—Final dated the 1st November, 1918, Paragraph 279 of the Punjab Manual]

(2) An officer who has rendered approved service in one of the posts to which the Articles apply shall be eligible for the additional pension

[G I F D No -F 3 C S R dated the 7th January, 1925]

(3) If an officer who entered Government service after 31-12-1909, elects the new pension rules, he must come under all its conditions and therefore before he can get the new additional pension he must in the event of his voluntary retirement have at least completed 28 years of qualifying service. There is no objection to the Provincial Government permitting an officer who is invalided, to retire voluntarily if he has put in over 25 years' service. Such an officer would be allowed increased pension but not additional pension

[Paragraph 280 of the Punjab Manual]

(4) The expression "holding any of the appointments" in line 1 of this Article should be interpreted to mean "holding any of the appointments at the time of retirement" and not at any time during service

— [L.S.P. No —36 dated the 18th April 1911 Paragraph 267 of the India Supplement]

475 A. The grant of special additional pensions to officers specified in Article 349A is regulated as follows :—

(1) The special additional pension admissible under this Article is not to be given as a matter of course but only where the service rendered is approved as satisfying the standard of work and conduct required in the special conditions of the post or duty hereinafter mentioned.

(2) Officers who have held posts listed in the Schedule to this Article may be granted an additional pension (a) at the rate of Rs. 300 for each completed year of effective service in any post included in the lower grade, and (b) at the rate of Rs. 500 for each completed year of effective service in any post included in the upper grade, up to a maximum of Rs. 1,500 per annum for service in lower grade appointments and Rs. 2,500 per annum for service in lower and upper grade appointments combined or in upper grade appointments alone: Provided that in the case of an officer who has earned an additional pension by service in appointments in both the upper and lower grades, service for any broken period of a year in the upper grade may count as service in the lower grade if his pension would be thereby increased.

(3) An officer who has held a temporary post which has been declared by the authority competent to create the post as carrying similar duties and responsibilities, and which carries the same rate of pay as a post listed in the Schedule, may be granted an additional pension in respect of that post at the rate and subject to the conditions prescribed in clause (2) of this Article.

(4) For the purpose of clauses (2) and (3) of this Article "effective service" includes, besides periods of duty in a post mentioned in the said clauses,—

(i) duty performed—

(a) in a post of a corresponding rank and responsibility in foreign service, or

(b) on deputation on special duty, or

(c) in a temporary post, or

(d) in a permanent post in an officiating capacity, to which an officer is transferred or appointed whilst holding the post mentioned in clause (2) or (3); if, in the case of an officer who held a post mentioned in clause (2) in an officiating capacity, or of an officer who held a post mentioned in clause (3), Government certifies that he would, if he had not been so transferred, or appointed, have continued to officiate in or hold the post concerned.

(ii) Privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension taken by the officer during his service in a post mentioned in clauses (2) and (3) or during the period of duty covered by sub-clause (i) of this clause, if in the case of an officer who has held a post mentioned in clause (2) in an officiating capacity, or who has held a

post mentioned in clause (3) Government certifies that he would, if he had not proceeded on leave, have continued to officiate in the post mentioned in clause (2), or have held a post mentioned in clause (3).

For the purpose of this sub-clause privilege leave or leave under the Fundamental Rules corresponding to privilege leave, taken by an officer immediately on vacating any of the posts mentioned in sub-rules (2) and (3) of Fundamental Rule 97 during which he is left without a lien on any permanent post, shall be regarded as leave taken during his service in such a post.

(5) An officer of pensionable status who has held a post in foreign service with a State-owned Railway worked by a Company, which is certified by Government to correspond in rank and responsibility with a State Railway post listed in the Schedule may be granted an additional pension in respect of that post at the rates and subject to the conditions prescribed in clause (2) of this Article: provided that, for the purposes of this clause "effective service" means duty (including privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension) in a foreign service post.

(6) An officer who has received under the second proviso to Fundamental Rule 30 (1) or under Fundamental Rule 113, officiating promotion to one of the posts listed in the Schedule, or in whose case Government certifies that he would have received such promotion had he not been on special duty or held a temporary post, may be granted an additional pension at the rates and subject to the conditions prescribed in clause (2), as though he had held during the period for which he officiated or would have officiated, a post listed in the Schedule.

For the purpose of this clause the period of officiating promotion includes any privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension taken during the period, if Government certifies that, had the officer not been on leave, he would have continued in the same capacity.

(7) In the case of officers entering Government service after 31st December, 1909, other than officers of the Indian Forest Service who were appointed on probation on or before that date, the grant of the additional pension is subject to the condition that they must in the event of voluntary retirement have completed 28 years of qualifying service. Voluntary retirement for the purpose of this rule should be taken as retirement under Article 464 and 465 A (i)

#### SCHEDULE OF APPOINTMENTS CARRYING ADDITIONAL PENSIONS.

##### A.—Upper Grade.

Directors of Public Instruction in Madras, Bombay, Bengal, United Provinces, Punjab, Bihar, Burma, Central Provinces and Assam, and Orissa if a member of the I E S

Vice-Chancellors of Universities (if in pensionable service).



Director General of Archaeology.

Director-General of Observatories.

Director General of Health Services (from 15th August, 1947)

Financial Commissioner, Railways if a member of I A & A.S

State Railway Members of  
the Railway Board  
Agents of State Railways } if in pensionable service

Secretary, Railway Board (up to 30 5 40)

Chief Engineers, Railways.

Chief Govt Inspector of Railways, Govt. Inspectors of Railways, Circles  
No 1, Calcutta, and 5 Bombay

Director of Civil Engineering, Director of Mechanical Engineering, Director  
of Traffic and Establishment

Director of Finance, Railway Board

Chief Operating Superintendent.

Controller of Stores, State Railways.

Director of Accounts, Railway Board, Director, Railway Clearing  
Accounts Office (upto 31 5 38) and Financial Advisers and Chief  
Accounts Officers, State railways if in pensionable service

Chief Controller, Standardization, if in pensionable service

All officers (other than Military Officers and members of the Indian Civil  
Service) holding Indian Civil Service posts of the rank of, or higher in  
rank than that of, a Commissioner of a Division or a District and  
Sessions Judge in the selection grade

An officer of the Burma Frontier Service holding the appointment of  
Commissioner, Frontier Division

Inspectors General of Police (except Inspector (General), Railway Police,  
Rajputana)

Director, Central Intelligence Department.

Commandant Central Police Training College, when held by an Officer of  
the Indian Police.

Commissioners of Police, Calcutta and Bombay

Inspectors General of Prisons, Bengal, Madras, Bombay, United Provinces,  
Burma, Punjab, Bihar, Central Provinces and Assam

Surveyor General

Director, Imperial Institute of Agricultural Research, Pusa when the post  
is held by an officer in pensionable service

Directors of Agriculture Madras, Bombay, the U.P., Punjab, Bengal  
and Burma when the posts are held by the members of the Indian  
Agricultural Service,

Director of Animal Husbandary in the U.P. when held by a member of the  
Indian Veterinary Service

Principal Administration Officer of the Imperial Council of Agricultural  
Research when the post is held by an officer in pensionable service

Agricultural Commissioner with the Government of India and Animal  
Husbandry Commissioner with the G I, when the posts are held by  
an officer in pensionable service.

Inspector General of Forests  
 Chief Conservators of Forests  
 Vice President Forest Research Institute Dehra Dun  
 Settlement Commissioner, Burma  
 Chief Engineers, Public Works Department  
 Chairman and Members Central Water and Power Commission  
 Director General of Posts and Telegraphs  
 Chief Engineer Posts and Telegraphs  
 Senior and other Deputy Director General in the Indian Posts and Telegraphs Department Postmaster General (from 1.3.1930), Finance Officer, Posts and Telegraphs (from 1.7.1936)  
 Officers of the Indian Political Service recruited from the Indian Police on reaching a basic pay Rs. 2,250 in the Indian Political Service  
 Financial Adviser Communications (while held by Mr. Ghulam Mohammad)  
 Director Geological Survey  
 Auditor General  
 Controller of the Currency  
 Deputy Controller of the Currency Bombay  
 Appointments in the Indian and Accounts Service of Accountant General's grade (from 23.10.1933)  
 Mint Masters  
 Military Accountant General  
 Command Controllers of Military Accounts (from 14.2.1947)  
 Secretary to the Government of India Department of Education Health and Lands  
 High Court and Chief Court Judges Judicial Commissioner and Additional Judicial Commissioners who may take a pension under the rules in this Part of the Regulations  
 Member, Central Board of Revenue  
 Commissioners of Income Tax, Grade I (from 1.5.1946)  
 Collectors, Customs (if pay is not less than Rs. 2,000)  
 Collectors of the Central Excise (if pay not less than Rs. 2,000)  
 Director of Commercial Audit  
 Chief Inspector of Mines in India (from 1.10.1932)  
 Director General of Civil Aviation in India (from 21.9.1945)

#### *B—Lower Grade*

Educational Commissioner Government of India  
 Officers of the Indian Educational Service holding appointments the minimum substantive pay of which is not less than Rs. 1,250 a month, exclusive of overseas pay  
 Principal recruited by the Secretary of State for services at the Prince of Wales College Dehradun  
 Officers of the Indian Agricultural Service the Indian Meteorological Service and the Civil Veterinary Department holding appointments the

minimum substantive pay of which is not less than Rs. 1,250 a month, exclusive of overseas pay.

Director, Zoological Survey

Deputy Director General and Additional Deputy Director General of Health Services (from 15 8 1947)

Directors, Public Instruction, North West Frontier Province and Orissa (unless he is a member of the I E S )

Deputy Chief Engineers, Indian Railway Service of Engineers

Government Inspectors of Railways, Circles Nos 2, Calcutta, 3, Bangalore, and 4, Lahore

Deputy Agents of State Railways

Deputy Director of Finance, Railway Board, up to 2 6 41.

Secretary, Railway Board (from 31 5 1940).

Deputy Controller of Stores, State Railways

Deputy Chief Accounts Officers Railways (If in pensionable service )

Principal, Railway School of Transportation Chandausi

Superintendents, Watch and Wards, Great Indian Peninsula and East Indian Railways (up to 13 6 41)

Director, Railway Accounts office (from 1 6 1938), Deputy Directors of Railway Clearing Accounts Office, and Accounts, Railway Board (up to 31 5 1938)

Chief Commercial Managers, State Railways

Deputy Chief Commercial Manager, State Railways

Deputy Chief Operating Superintendents State Railways

Divisional Superintendents—Junior and Senior, Railways

Deputy Director, Civil Engineering

Deputy Chief Controller, Mechanical Engineering

Deputy Chief Controller, Civil Engineering

Assistant Chief Controller, Equipment

Inspector General, Railway Police, Rajputana

Deputy Inspector-General of Police

Commissioners of Police, Madras and Rangoon

Superintendents of Police in the selection grade

All officers (other than Military Officers and members of Indian Civil Service) holding superior Indian Civil Service posts lower in rank than that of a Commissioner of a Division or a District and Sessions Judge in the selection grade

An officer of the Burma Frontier Service holding one of the superior posts in the Service

Deputy Director, Intelligence Bureau

Deputy Director, Intelligence, Government of India, Peshawar (from 13 11 1935)

Inspectors General of Registration

Directors, Survey of India (1 1 1926)

Officers of the Indian Political Service recruited from the Indian Police, on reaching the pay of the 14th year in the Indian Political Service time-

table, provided the service is rendered in superior posts in the cadre of the Indian Political service

Directors of Agriculture Bihar, Orissa, C P (M P) and Assam

Conservators of Forests

Advisory Chemist Medical Store Department Madras (from 1.5.1922)

Superintending Engineers Public Works Department

Principal Thomason Civil Engineering College Roorkee, if held by an officer appointed by the Secretary of State in Council (from 14.7.1938)

Director, Central Water and Power Commission

Deputy Secretaries to the Government of India

Secretaries to the Central Board of Revenue and ex officio Deputy Secretaries to the Government of India, Ministry of Finance (Revenue Division)

Deputy Director General Finance Indian Posts and Telegraphs Department (from 2.10.1934)

Director of Telegraph Engineering

Director of Postal Services

Director of Wireless

~~Controller of Telegraph Stores (if appointed to this post before 5.2.1932)~~

Electrical Engineer in Chief in the Indian Posts and Telegraphs Department (from 11.11.1929)

Superintendents, Geological Survey

Deputy Commissioner, North India Salt Department

Controller, Printing and Stationery

Appointment in Class I of the Indian Audit and Accounts Service

Budget Officer in the Government of India, Finance Department Financial Advisers Communications (from 1.6.40)

Deputy Secretary (Budget) to the Government of India, Finance Department

Collectors of Customs (if pay is less than Rs 2 000)

Collector of Central Excise (if pay is less than Rs 2 000)

Civil and Assay Masters (Assay Masters)

Opium Agent Ghazipur

Command Controllers of Military Accounts

Appointments in Class I of the Superior Staff of the Military Accounts Department

Senior Deputy Military Accountant—General

Heads of Sections at the Agricultural Research Institute and College Pusa the Dairy Husbandry officer Indian Dairy Research Institute Bangalore and the Physiological Chemists Bangalore, provided they have completed 15 years total service

Deputy Financial Advisers Defence Finance

Controller of Accounts R A F and Deputy Financial Advisers R A F

Deputy Chief Engineer, Telegraphs

Director of the Agricultural Research Institute and Principal of the Agricultural College, Pusa

Chief Judge of Small Cause Court in a Presidency town or in Rangoon when the appointment is held by an officer to whom the provisions of Chapter XXIV of these Regulations do not apply.

Chief Presidency Magistrate, Calcutta, when the post is held by a barrister.

Officers of the Provincial Civil Services holding superior posts in the cadre of the Political Department of the Government of India, lower in rank than that of Resident, 2nd Class

Director, Indo European Telegraph Département, Persian Gulf Section.

Commissioners of Income Tax, Grade II.

Chief Chemist, Central Revenues

Director of Survey in the Madras Survey Department.

Deputy Superintendent and Remembrancer of Legal Affairs, Bengal.

Bombay High Court, Original Side :—

Prothonotary Testamentary and Admiralty Registrar, Master and Registrar in Equity and Commissioner for taking Accounts and local Investigations and Taxing Officer

Calcutta High Court, Original Side —

Registrar

Master and Official Referee.

Registrar in Insolvency.

Director, Regulations and Forms, Army Department

Government Examiner of Questioned Documents, in respect of service after the date on which he passed the efficiency bar at Rs 1,620.

Second Solicitor to the Government of India, in respect of service after the date on which he passed the efficiency bar at Rs 1,600.

Collector of Customs (if pay is less than Rs 2,000)

Collectors, Central Excise (if pay is less than Rs. 2,000).

Any pensionable appointment in a Department other than those to which the appointments included in this Schedule appertain, the minimum pay of which, excluding overseas pay, is not less than Rs. 1,250 a month, or if no overseas pay is attached to it, Rs. 1,500 a month. An officer holding an appointment carrying overseas pay who is not himself entitled to overseas pay is, nevertheless, qualified under this entry.

NOTE —[The Government of India may include in Schedule B any pensionable appointment which fulfils the conditions regarding minimum substantive pay contained in the last entry]

## GOVERNMENT OF INDIA'S ORDERS

### *Individual treatment in the grant of additional Pension*

(1) The Government of India have observed that the accepted financial principle governing the grant of special additional pension is that in every case where such a pension is granted there shall be two factors co-existent, namely (i) the post of qualifying for such

pension must be specially important and responsible, and (ii) officer qualifying must have rendered specially efficient and valuable service in it. In cases where the above two factors are both present, the individual treatment should not be necessary. The post would be of such intrinsic importance, as to justify its inclusion in the Schedule under Art 475 A.

[G I Labour Dept No E 13 dated the 29th October, 1940, Paragraph 291 of the Punjab Manual]

### *Application of clauses of the Rule*

(2) In clauses 4(i) and (ii) (5) and (6) of this Article 'Government' should be taken to mean 'the President or the Provincial Governments as the case may be'. For this purpose the word 'President' includes Ministries of the Government of India, which exercise the powers of 'Government' within their own spheres.

[G I F D No F 1(2) R II/39 dated the 21st December, 1944, Paragraph 272 of the India Supplement]

(3) The termination of service of Secretary of State's officers on transfer of power cannot be regarded as voluntary retirement under clause (7) of this Article, the 28 years' rule regarding additional pension will not operate.

[G I M H A. No 27/4/47 Est dated the 4th September, 1947]

(4) The provision of clause (7) is similar to the latter portion of Art 475 which was introduced in 1909 with the object of counter-acting any tendency on the part of officers to retire while capable of rendering valuable service.

[G I F D No 1(6) RII/44 dated the 3rd November, 1944]

(5) The Finance Department have examined the existing procedure for according sanction to the grant of ordinary and special additional pensions and have come to the conclusion that it requires modification and elucidation. The decisions taken in the matter are set forth below.

3 *Special additional pensions*—Art 475 lays down that a special additional pension of Rs. 1 000 per annum may be allowed by the local Government to the officers holding appointments enumerated below that Article. This Article applies only in the case of officers not admitted to Art 349 A. Departments of the Government of India exercise full powers of a local Government under Art 475 (vide item 30 of Appendix 1 to the Civil Service Regulations).

The special additional pensions of officers admitted to Art 349 A are regulated under Art 475A.

In view of the revised Art 475A of the C S R the following procedure will be adopted in future —

(1) *Cases where the Head of the Department is subordinate to a Department of the Government of India* —

(f) *Annual Review*—(a) The Head of the Department will make a note in the annual confidential report as to whether, in his opinion, the service rendered by the officer and his conduct (during the year) have been up to the required standard

(b) This report should be sent to the Department of the Government of India concerned with a recommendation as to whether service rendered during that year should count for special additional pension

(c) The Head of the Department of the Government of India should, after taking into consideration all the known facts regarding the officer, record a note as to whether the service has been approved

(d) If such authority records that the service has been approved, no further action will be necessary and the officer, will receive no intimation to this effect. He will, therefore, be entitled to presume that his service has been approved for that year

(e) If the Head of the Department of the Government of India is not satisfied that the service and conduct have been up to the required standard, he should submit the case for the orders of the Governor General. If the Governor General decides that the work of the officer did not come up to the required standard, a warning should be issued to him that his work in the previous year had not been considered satisfactory and that though the final award of additional pension will depend on the service rendered by the officer in the post as a whole, his additional pension for that year, and for the future years will be liable to reduction or refusal unless certain defect(s), which should be specified, is/are remedied

(ii) *Final Review*—(a) Where all the annual reports under sub-para (1)(i)(c) above have been satisfactory, the Department of the Government of India will undertake the final review, and if it considers that the maximum additional pension may be granted, the Department of the Government of India will pass final orders sanctioning such pensions

(b) Where case has already been sent once to the Governor-General, under sub para (1)(i)(e) above or where the Department of the Government of India consider that, on a final review, the maximum special additional pension admissible should not be sanctioned, the case should be referred, in the first instance, to the Federal (now Union) Public Service Commission. Except where the final decision of Government will be in accordance with the recommendation of the Commission, the case should be submitted for the orders of the Governor General

NOTE —[The annual and final reviews in respect of the officers of the Indian Audit and Accounts Service will be conducted by the Auditor General of India and orders sanctioning special additional pension will be issued by him. All cases in which he considers that the maximum special additional pension should not be sanctioned will be referred by him to the Finance Department for action under sub para (1)(i)(b) above ]

(2) Case, where the Head of the Department and the Head of the Department of the Government of India are the same authority, —

(i) *Annual Review*—(a) The Head of the Department of the Government of India should after taking into consideration all the known facts regarding the officer, record a note as to whether the service and conduct of the officer during the year have been approved. For this purpose departments should keep a note of observations on the work of officers that come to light from time to time from official sources both inside and outside the Department, so that the Head of the Department of the Government of India concerned may have as full knowledge of the officer as possible

(b) If the Head of the Department of the Government of India recommends that the service be not approved then the case will be submitted for the orders of the Governor General. If the Governor General decides that the work of the officer did not come up to the required standard, a warning should be issued to him that his work in the previous year had not been considered satisfactory and that though the final award of additional pension will depend on the service rendered by the officer in the post as a whole, his additional pension for that year and for future years will be liable to reduction or refusal unless certain defect (s) which should be specified, is/are remedied

(ii) *Final Review*—The same procedure as indicated at sub-para (i) (a) and (b) above, *mutatis mutandis*, should be adopted at the time of final review. If it is decided that the maximum special additional pension admissible should be sanctioned, the Department of the Government of India will accord the sanction, otherwise the case should be referred, in the first instance, to the Federal (now Union) Public Service Commission. Except where the final decision of Government will be in accordance with the recommendation of the Commission, the case should be submitted for the orders of the Governor General

NOTE 1 —[The words "annual confidential reports," "annual reports" and reports above have reference to the usual annual confidential reports on the work of officers. The decision as a result of annual review for purposes of special additional pension may be recorded in the same reports but, except in cases in which the time for the writing of the confidential annual reports coincides with the date on which the officer concerned completes a year's service in a post qualifying for special additional pension, the report regarding special additional pension, should be recorded separately in the confidential report file after the latter date. In other words it is necessary that the review for purposes of special additional pension should be conducted only on the expiry of a completed year's service in a qualifying post

If an officer had rendered broken periods of service under different administrative authorities in more than one post service in which qualifies for special additional pension a review shall be made annually when the officer's confidential report is being prepared and when it is found at this annual review that the officer has in the mean time completed one year of such service, action shall be taken as in sub-para (1) and (2) above



NOTE 2—[The words "Governor General" wherever they are used above mean 'the Governor General acting in his individual judgment'. It has been held, however, that in view of the provisions of section 313(4) of the Government of India Act 1935, until Federation is established those words would in effect mean 'the Governor General in Council']

4 (a) These orders apply only to officers under the rule-making control of the Governor-General in Council and to the Secretary of State's officers belonging to General Services, including such officers whose services are lent to Provincial Governments or who are on foreign service. The Department in which exists the post on which the officer holds a lien, active or suspended, shall ensure that the report, when due, is obtained from the Provincial Government or the foreign employer, as the case may be.

(b) These orders do not apply to the Secretary of State's officers of the All India Services who belong to Provincial cadres, nor to such officers belonging to Provincial Services. The procedure in respect of such officers including those who for the time being are serving in the Central field, will be governed by such orders as may be issued by the Provincial Governments, who are being agreed to consider the desirability of issuing parallel orders for the Secretary of State's officers with whom they are concerned.

[G I F D No F. 1(2) R. II/39 dated the 16th December, 1944 ]

NOTE 1—[Under Art 475A entire service rendered in a post to which special additional pension is attached counts and it is not necessary that such service should be continuous. The above Memorandum deals with the procedure for according sanctions to the grant of ordinary and special additional pensions and what periods of service count for special additional pension is laid down in the Rules themselves in which as stated above there is nothing to prevent broken periods for less than a year from counting towards total service for such pension.

The reference in the first sub-para of Note 1 at the end of para 3 of the Memorandum above is to the reviews referred in sub-para (1) and (2) of para 3 of that Memorandum. In so far as broken periods of service are concerned the procedure for reviews is indicated in the second sub para of Note I referred to above.]

[G I F D No F 1(8) EV/46, dated the 8th May, 1946 ]

NOTE 2—[It is not necessary to maintain a separate annual report for the purpose of recording remarks in respect of an officer's eligibility for special additional pension and the intention is that in addition to annual review (which is on the basis of annual confidential reports) a final review of an officer's service as a whole should be made at the time of his retirement.

[G I F D No D 7357 EV/47 dated the 2nd December 1947 ]

*Admissibility of additional pension to various services or posts.*

(6) Special additional pension under this Article is not admissible to ICS officers. The present Chief Commissioner and the Chief Secretary who are IAS Officers are governed by the New Pension Rules and are not entitled to the special additional pension under the aforesaid Article, since such benefit is admissible only to officers who are governed by the old pension rules. The position regarding the District Magistrate and Collector and the Principal Engineering Officer is not clear but since the New Pension Rules have

been in force for more than seven years now and they have been further liberalised, the concession of special additional pension which is not available to the persons governed by the new pension rules now is a dying concession. The inclusion of a post which satisfies the criteria laid down in the list below this Article would be justified only when some persons actually holding a post are likely to be affected. Even in such cases the concession of special additional pension could be given by the issue of executive orders rather than by an amendment of the Rules which is a long process. Accordingly it has been decided that the question of "allowing the benefit of the special additional pension in the posts referred to above should be considered as and when a person governed by the old pension rules or para 1(c) of Government of India's order No (II) below rule 9 of Liberalised Pension Rules actually comes to hold the post

[G L M H A No F. 14/20/58 M T, dated the 16th July, 1958]

(7) No special additional pension should on retirement be granted to Provincial Civil Service officers appointed to the Indian Administrative Service posts which correspond in status to listed posts, the holders of which are eligible for additional pensions of the upper and lower grades as the case may be. Such officers may be granted provisionally only the maximum ordinary pension which would have been admissible to them under rules 13 and 14 of the Superior Civil Services rules if, they had been appointed to the 'listed posts' in the ICS. Such pensions would be subject to adjustment later on in the light of the new pension rules that may eventually be prescribed for the IAS.

These orders apply *mutatis mutandis* to Provincial Police Service officers promoted to the IPS who may retire before the new pension rules for the IPS are promulgated.

[G I M H A No 20/3/48 C S dated the 9th March 1949]

(8) No special additional pension is admissible under the provisional orders to officers in respect of their service either in listed posts or in IAS or IPS posts for periods prior to the 15th August, 1947 or to the 9th March 1949 the date of issue of the above orders.

[G I M H A No 20/3/48 I G dated the 31st August 1949 Paragraph 268 of the India Supplement]

(9) A question has been raised whether permanent civil officers who being officers of the Army in India Reserve of Officers, have been called up for military service and permanent civil officers who have been granted Emergency Commissions, will for the period spent in the Defence Service be eligible for special additional pension in respect of any higher post which they would have officiated on the civil side but for their absence on such duty and if so under what circumstances. The postum is explained below —

The orders of the Governor General contained in Finance Department letters Nos F. 15(18) Ex 1/42 dated the 7th November, 1942 and the 28th July, 1943, constitute a general specification or

declaration, by that authority of the posts in Defence Services as posts outside the ordinary line of a service for the purpose of the second proviso to F R, 30(1) Subject to the fulfilment of the 'next below rule' conditions and the extent (period) to which they are so fulfilled, both the categories of officers mentioned above are under general order either eligible to receive, while in Army service, the officiating pay in the higher (civil) posts in their ordinary line if this is greater than their military pay of rank etc or to get a proforma officiating promotion to such higher posts the proforma officiating service counting for increments in the higher posts and they will, therefore, automatically be governed by clause (6) of Art 475A, C S R for purpose of special additional pension during the period they are actually allowed the pay of the higher civil posts or they receive proforma officiating promotion to higher civil post, service in which will qualify for special additional pension Those who were actually allowed to draw, while in Army service, the higher officiating pay (instead of their military pay of rank etc) are covered by the first part of the clause *ibid*, and those who were given only the proforma promotion should be deemed as covered by the latest part of the clause, the proforma promotion itself constituting the certificate of Government laid down in that clause

[G I F D No F 1(3) Est V/46 dated the 22nd February, 1946, Paragraph 266 of the India supplement]

A military officer, while officiating in a qualifying post, is transferred to an appointment of corresponding rank and responsibility in foreign service, the period of such foreign service should count towards an additional pension provided that it is certified that but for the foreign service, he would have continued to officiate in the qualifying post

[G I F D No 2326 C S R, dated the 28th December 1923]

These orders apply to civil officers similarly circumstanced

[Ar Genl s letter No 336-A/40-25, dated the 16th April, 1925]

(10) Secretaries to Provincial Governments who do not belong to the I C S are eligible for the additional pension under Art 475A as follows —

Chief Secretary for the Higher grade additional pension and other Secretaries for the Lower grade

The claims to Higher grade pension should be protected in the case of officers who have served, whether in an officiating or a substantive capacity, as Secretaries between 16-7 21, and these orders or are so serving on the latter date in respect of all periods of such service after 16 7 21 including periods subsequent to the date of these orders : e they should be granted the upper grade pension They see, however, no necessity to protect the pensionary claims of those already in service who may serve as Secretaries in future

[G I F D No 781 C S R dated the 16th July 1921, Paragraph 289 of the Punjab Manual]

(11) Under clause (3) of this Article all temporary posts in Class I of the Indian Audit and Accounts Service and in the grade of the Accountant-General created during World War II, and which may be created hereafter, carry similar duties and responsibilities and the same rate of pay as corresponding permanent posts in the cadre of the Indian Audit and Accounts Service listed in the Schedule appended to this Article. The incumbents of these temporary posts will be eligible to count their service rendered in the posts for special additional pension at the rate and subject to the condition prescribed in clause (2) *ibid*

[G I F D. No F 1(9)-EV/47, dated the 13th June, 1947]

(12) Mr. B A Harris, an officer of the I A. & A S. was allowed officiating pay of Class I of the service while holding the post of an Audit Officer which was declared to be a special post for the purpose of the second proviso to F.R. 30(1). It was decided that the grant to Mr. Harris of the pay of Class I during the periods in question implied the grant to him also of officiating promotion to that class and that under clause (b) of Art. 644 his service during the periods automatically counts for the lower grade additional pension without any further sanction

[G I F D No F 23(3) Ex I/34, dated the 16th January, 1934, Paragraph 292 of the Punjab Manual]

(13) An officer of the Indian Forest Service who is superseded by a junior officer in any other province, would, for the period he would have been appointed as Conservator or Chief Conservator under the system of inter-provincial promotions counts service qualifying for additional pension under this Article, in the lower or the upper grade as the case may be, even though he is not actually appointed

[G I No 219 F/42 F & L, dated the 14th August, 1942, Paragraph 285 of the Punjab Manual]

(14) No pension shall be attached to the office of Member of the Federal (Union) Public Service Commission as such, but in the case of a Member who at the date of his appointment was in the service, as Member shall count for pension under the rules applicable to the service to which such Member belonged and shall unless the member be a member of the I C S or entitled to a pension under Army Regulations, also count for higher additional pensions under this Article [Rule 9 of the Federal Public Service Commission (conditions of service) Regulations]

[Paragraph 269 of the India Supplement]

14

(15) If a Chairman or Member at the time of his appointment as such is a retired Government servant, the Governor-General shall determine whether his pension shall be held in abeyance and, if so, whether wholly or in part, or in the alternative shall determine whether the pay shall be reduced by an amount not exceeding the

amount of such pension including such portion of it as may have been commuted if the pension is allowed to be drawn in full

[G I H D No F 322/35 Ests dated the 1st April 1937 Pa agraph 270 of the India Supplement]

(16) The incumbent of the post of Road Engineer with the Government of India is eligible for the special additional pension admissible to a Superintending Engineer of the P W D

[G I F D No D 1952 R II 50 dated the 10th September, 1930 Paragraph 273 of the India Supplement]

(17) A permanent Government servant will count service as Registrar, Federal Court for India, for special additional pension in the lower grade

[G I F D No F 1(B) EV/48 dated the 21st October 1948]

## AUDITOR GENERAL S ORDERS

*Counting for additional pension of first four months of leave in an officiating post*

(1) The first four months of leave on average pay enjoyed by an officer who is officiating in a post carrying the grant of special additional pension will qualify for such pension only if it is in evidence that had the officer not been on leave he would have been officiating or holding the temporary post

(These orders will apply until the new pension rules are promulgated)

[C C A. s letter No 35 321-28 dated the 6th February, 1929 Paragraph 287 of the Punjab Manual]

*Counting of joining time*

(2) In calculating service qualifying for special additional pension periods of joining time taken by an officer while on transfer from one qualifying post to another such post, which he may hold successively in an officiating capacity should be allowed to count as service in a qualifying post only if the competent authority certifies that had the officer not been on joining time he would have held either the new or the old qualifying test

[Ar Genl s No 120-A 107 34 dated the 1st August, 1934 Paragraph 288 of the Punjab Manual]

*Interpretation of clause (3) of Article 475A*

(3) Under clause (3) of Art 475A service in a temporary post which has been declared by the authority competent to create the post to carry similar duties and responsibilities and the same rate of pay as a post listed in the Schedule to that Article may be allowed by a Local Government to count towards additional pension. A question arose whether the words 'a post listed in the Schedule' occurring in clause (3) of Art 475A have reference to the corresponding permanent post listed in the Schedule to that Article or to any post mentioned therein. It has been decided by the Auditor

General, with the concurrence of the Government of India, that if in respect of both the conditions prescribed in that clause, a temporary post can be held to be comparable with *any* permanent post listed in the appropriate part of the Schedule and the "Local Government" gives the necessary declaration, the benefit of this Article may be given to an officer irrespective of whether the comparable post is a corresponding permanent post or not.

[Ar. Genl's No 71-A/108-43, dated the 8th February 1944, Paragraph 277 of the India Supplement]

### *Use of Note below Schedule B*

(4) The Note below Schedule B is not intended to be used for the purpose of making temporary or officiating service in posts not included in the Schedule count for additional pension. The Schedule is intended for permanent posts not for temporary ones specially if there is to be a further qualification while held by

[Ar Genl's UO 406 A/247-36 dated the 20th November, 1936, Paragraph 276 of India Supplement]

(5) It has been decided that premature retirement on proportionate pension cannot be held to be voluntary retirement, within the meaning of Art 475A and that the 28 years' limit in clause (7) under Art 475A does not take away the right to additional pension for premature retirement on proportionate pension

[Ar Genl's letter No 1194A-411-23 dated the 3rd December, 1923, Paragraph 271 of the India Supplement]

*Admissibility <sup>for</sup> additional pension of a deputed officer.*

(6) Mr A a Police Officer, officiating in the Selection grade of Superintendent of Police was deputed to foreign service as Administrator of the Nabha State. The Auditor General decided that under clause (b) of Art 644 the service of Mr A would count for the additional pension admissible in respect of a person in the selection grade of Superintendent of Police provided the local Government certify that the post of 'Administrator of the Nabha State' is of equal rank and responsibility as a post in the selection grade of Superintendent of Police and that Mr A would have continued to officiate in the selection grade had he not been transferred to Foreign service

[Ar Genl's No 336-A 40-25 dated the 16th April, 1925, Paragraph 284 of the Punjab Manual]

## AUDIT INSTRUCTIONS

(1) According to the provisions of section 247 of the G I Act, 1935 it is no longer within the power of a Provincial Government to withhold or reduce special additional pension in the case of Secretary of State's officers and even in cases where the service of such officers in posts carrying additional pension has been definitely unsatisfactory, the consent of the President to the withholding or reduction of additional pension is required

[Paragraph 4 Section IV A of the Manual of Audit Instructions]

(2) When a Government servant already in pensionable service is appointed to hold the post of a Vice-Chancellor of a University, even though it be a non-government post, and his service continues to qualify for pension, his service in such post qualifies for the higher grade additional pension.

[Paragraph 24-B Section III of the Manual of Audit Instructions]

475AA. For officers referred to in Article 349AA the rule for the grant of special additional pensions is as follows :—

(1) The special additional pension admissible under this Article is not to be given as a matter of course but only where the service rendered is approved as satisfying the standard of work and conduct required in the special conditions of the post or duty hereinafter mentioned.

(2) Officers who have held posts listed in the Schedule to this Article may be granted an additional pension (a) at the rate of Rs. 250 for each completed year of effective service in any post included in the lower grade, and (b) at the rate of Rs. 400 for each completed year of effective service in any post included in the upper grade, up to a maximum of Rs. 1,250 per annum for service in lower grade appointments and Rs. 2,000 per annum for service in lower and upper grade appointments combined or in upper grade appointments alone: Provided that in the case of an officer who has earned an additional pension by service in appointments in both the upper and lower grades service for any broken period of a year in the upper grade may count as service in the lower grade if his pension would be thereby increased.

(3) An officer who has held a temporary post which has been declared by the authority competent to create the post as carrying similar duties and responsibilities and which carries the same rate of pay as a post listed in the Schedule, may be granted an additional pension in respect of that post at the rate and subject to the conditions prescribed in the clause (2) of this Article.

(4) For the purpose of clauses (2) and (3) of this Article "effective service" includes, besides periods of duty in a post mentioned in the said clauses,—

(i) duty performed—

(a) in a post of corresponding rank, and responsibility in foreign service, or

(b) on deputation on special duty, or

(c) in a temporary post, or

(d) in a permanent post in an officiating capacity, to which an officer is transferred or appointed whilst holding the post mentioned in clause (2) or (3), if, in the case of an officer who held a post mentioned in clause (2) in an officiating capacity, or of an officer who held a post mentioned in clause (3), Government certifies that he would, if he had

not been so transferred or appointed, have continued to officiate in or hold the post concerned

(ii) Earned leave for the purpose of calculating service for pension taken by the officer during his service in a post mentioned in clauses (2) and (3) or during the period of duty covered by sub-clause (i) of this clause, if in the case of an officer who has held a post mentioned in clause (2) in an officiating capacity, or who has held a post mentioned in clause (3) Government certifies that he would, if he had not proceeded on leave, have continued to officiate in the post mentioned in clause (2), or have held a post mentioned in clause (3)

*For the purpose of this sub-clause, earned leave taken by an officer immediately on vacating any of the posts mentioned in sub-rules (2) and (3) of Fundamental Rule 97 during which he is left without a lien on any permanent post, shall be regarded as leave taken during his service in such a post*

(5) An officer of pensionable status who has held a post in foreign service with a State-owned Railway worked by a Company, which is certified by Government to correspond in rank and responsibility with a State Railway post to which special additional pension is attached may be granted an additional pension in respect of that post at the rates and subject to the conditions prescribed in clause (2) of this Article, provided that for the purposes of this clause "effective service" means duty (including earned leave for the purpose of calculating service for pension) in a foreign service post

(6) An Officer who has received under the second proviso to Fundamental Rule 30 (1) or under Fundamental Rule 113, officiating promotion to one of the posts listed in the Schedule, or in whose case Government certifies that he would have received such promotion had he not been on special duty or held a temporary post, may be granted an additional pension at the rates and subject to the conditions prescribed in clause (2), as though he had held during the period for which he officiated or would have officiated, a post listed in the Schedule

For the purpose of this clause the period of officiating promotion includes any earned leave for the purpose of calculating service for pension taken during the period if Government certifies that, had the officer not been on leave, he would have continued in the same capacity

(7) The grant of additional pension to officers is subject to condition that they must in the event of voluntary retirement have completed 28 years of qualifying service Voluntary retirement for the purpose of this rule should be taken as retirement under Article 464

#### SCHEDULE OF APPOINTMENT CARRYING ADDITIONAL PENSIONS

*A.—Upper Grade*

Director General of Posts and Telegraphs  
Chief Engineer Posts and Telegraphs



Senior Deputy Director General, Post and Telegraphs  
 Postmasters General (If pay is not less than Rs 2,000)  
 Surveyor General  
 Vice-Chairman, Imperial Council of Agricultural Research  
 Inspector General of Forests  
 Chief Engineer, Central Public Works Department.  
 Secretary, Commerce Department  
 Joint Secretary, Commerce Department  
 Indian Trade Commissioner London  
 Deputy Auditor General of India  
 Accountants Generalships and other major charges in the Indian Audit  
 Department (If pay is not less than Rs 2,000)  
 Mint Masters  
 Master, Security Printing, India,  
 Members, Central Board of Revenue  
 Commissioners of Income tax, Bombay and Bengal  
 Collectors of Customs (If pay is not less than Rs 2 000)  
 Collectors of Central Excise (If pay is not less than Rs 2,000)  
 Secretary, Finance Department  
 Joint Secretary, Finance Department  
 Financial Adviser, Military Finance  
 Military Accountant General (Controller General, Defence Accounts)  
 Command Controllers of Military Accounts

*B—Lower Grade*

Director General of Observatories  
 Deputy Directors General, Posts and Telegraphs  
 Deputy Chief Engineer, Posts and Telegraphs  
 Directors of Telegraphs  
 Postmasters General (If pay is not less than Rs 1,600)  
 Director, Imperial Agricultural Research Institute, New Delhi  
 Director General of Archaeology  
 Director, Imperial Veterinary Research Institute  
 Director, Zoological Survey  
 Director, Survey of India  
 Chief Inspector of Mines  
 Director, Geological Survey  
 Superintending Engineers, Public Works Department  
 Controller, Printing and Stationery  
 Deputy Secretary, Commerce Department  
 Deputy Economic Adviser to the Government of India

Deputy Indian Trade Commissioner London

Financial Adviser Communications

Deputy Secretary (Budget) Finance Department

Accountant Generalships and other major charges in the Indian Audit Department (If pay is less than Rs 2 000)

Deputy Financial Advisers Military Finance

\*Appointments in Class I of the Superior Service of Military Accounts Department

Collectors of Customs (If pay is less than Rs 2 000)

Chief Chemist Central Revenues (If pay is not less than Rs 1 600)

Collectors of Central Excise (If pay is not less than Rs 2 000)

Commissioners of Income tax Madras (Central) Bombay Punjab Bihar, and Orissa and the Commissioner of Income tax for the United and Central Provinces

First and Second Secretaries to the Central Board of Revenue

**475AAA.** (1) This Article shall apply to those members of the Central Services (hereinafter referred to as Pool Officers who having been in permanent pensionable service on the 30th September 1938, are appointed to the Finance and Commerce cadre

(2) Pool Officers shall not be entitled to additional pension otherwise than in accordance with this Article

(3) No Pool Officer shall be allowed an additional pension exceeding Rs 2,500 a year.

(4) A Pool Officer who for any period—

(i) has held any of the posts listed in the Schedule below, or

(ii) has held any of the appointments listed in Part A of the Schedule to Article 475A, but not included in the Finance and Commerce cadre, or

(iii) has held any other appointment declared by the authority competent to create that appointment to be equivalent for purposes of this Article to the appointments listed in Part A of the Schedule to Article 475A or

(iv) but for his appointment as a Pool Officer would have held any of the appointments listed in Part A of the Schedule to Article 475A, may be allowed in respect of any such period an additional pension at the rate of Rs 500 a year for each completed year of effective service [effective service in the post actually held during such period being taken in cases falling under sub-clause (iv) ]

Provided that no additional pension shall be allowed in respect of any period under sub clause (i) for which additional pension is allowed under sub-clause (i) (ii) or (iii) of this clause.

(5) A Pool Officer who, for any period,—

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\*Inserted by the Governor General and takes effect from 14th February 1947

(i) has held any of the appointment listed in Part B of the Schedule to Article 475A but not included in the Finance and Commerce cadre, or

(ii) has held any other appointment declared by the authority competent to create that appointment to be equivalent for purposes of this Article to the appointments listed in Part B of the Schedule to Article 475A, or

(iii) but for his appointment as a Pool Officer would have held any of the appointments listed in Part B of the Schedule to Article 475A, may be allowed in respect of any such period an additional pension at the rate of Rs 300 a year for each completed year of effective service [effective service in the post actually held during such period being taken in cases falling under sub-clause (iii) ]

Provided that no additional pension shall be allowed in respect of any period under sub clause (iii) for which additional pension is allowed under sub-clause (i) or (ii) of this clause ,

Provided further that no Pool Officer shall be allowed under this clause an additional pension exceeding Rs 1 500 a year

(6) The general provisions contained in Article 475A shall apply *mutatis mutandis* for the purpose of allowing additional pensions under this Article

#### SCHEDULE

Secretary Finance Department  
 Secretary Commerce Department  
 Members Central Board of Revenue  
 Deputy Auditor General  
 Financial Adviser Military Finance  
 Joint Secretary Finance Department  
 Joint Secretary Commerce Department  
 Indian Trade Commissioner London

NOTE --The Governor General in Council is pleased to direct that this Article shall apply also to officers of the Superior Service of the Military Accounts Department other than those appointed by the Secretary of State for India in Council or the Secretary of State on behalf of the Governor General in Council

475B Special additional pensions may be granted by a Local Government to military officers in the supernumerary list who have rendered approved service in certain high civil posts on the following conditions --

(1) Additional pensions may be granted at the following rates --

(i) At the rate of £66 13s 4d a year for each completed year, not exceeding three, of effective service in any civil posts or post carrying pay (includes overseas pay) not less than Rs 4 000 a month ,

(u) At the rate of £33 6s. 8d. for each year, not exceeding three, of effective service in any civil post or posts carrying pay not less than Rs. 3,000 a month ;

provided that the additional pension admissible under this rule shall not exceed £200 and that the total pension of an officer in receipt of pension under this rule shall not exceed £1,000, or, if the additional pension be wholly at the lower rate, £900.

(2) In the case of an officer serving in a qualifying post carrying progressive or time-scale pay with a maximum of Rs. 3,000 or Rs. 4,000, that portion only of his service during which he has drawn the maximum pay of the post shall qualify for additional pension at the lower or higher rate, respectively.

(3) Service in a post qualifying for the higher rate of additional pension may count for the lower rate, provided that no period of service shall count for both lower and higher rate of pension.

(4) For the purpose of clause (1) of this Article the expression 'effective service' includes, besides periods of duty in a post referred to in that clause,

(i) duty performed—

(a) in a post of corresponding rank and responsibility in foreign service, or

(b) on deputation on special duty, or

(c) in a temporary post, or

(d) in a permanent post in an officiating capacity, to which an officer is transferred or appointed while holding the post mentioned in clause (1).

If, in the case of an officer who held the post mentioned in clause (1) in an officiating capacity, the local Government certifies that he would, if he had not been so transferred or appointed, have continued to officiate in that post,

(ii) privilege leave or leave under the Fundamental Rules corresponding to privilege leave for the purpose of calculating service for pension taken by the officer during his service in the post mentioned in clause (1) or during the period of duty covered by sub-clause (f) of this clause,

If, in the case of an officer who has held the post mentioned in clause (1) in an officiating capacity, the local Government certifies that he would, if he had not proceeded on leave, have continued to officiate in that post.

(5) An officer who has received under Fundamental Rule 113, officiating promotion to a post covered by clause (1) of this Article, or in whose case the local Government certifies that he would have received such promotion had he not been on special duty or holding a

temporary post, may be allowed by the local Government an additional pension at the rates and subject to the conditions prescribed in clauses (1), (2) and (3) of this Article, as though he had held, during the period for which he officiated or would have officiated, a post covered by clause (1)

NOTE.—For the purpose of this clause the period of officiating promotion includes any privilege leave or leave under the Fundamental Rules corresponding to priv. lege leave for the purpose of calculating service for pension taken during the period but no other leave if the local Government certifies that had the officer not been on leave he would have continued in the same capacity

### GOVERNMENT OF INDIA'S ORDER

(1) Each year occurring in sub-clause (u) of clause (1) of Art 475B C S R means each completed year

[G I R D No 1846 R II dated the 17th July, 1930 Paragraph 278 of the India Supplement]

(2) A military officer while officiating in a qualifying post is transferred to an appointment of corresponding rank and responsibility in foreign service, the period of such foreign service should count towards an additional pension provided that but for foreign service, he would have officiated in the qualifying post

(See page 179 of this book)

476 The following special scale of pension is admissible to officers appointed in England to the Imperial Services of the Forest and Geological Survey Departments before the 6th December, 1932, and who did not elect the Rules mentioned in Article 349A —

(a) After a service of less than ten years, an invalid gratuity on the scale laid down in Article 474 (a)

(b) After a service of not less than ten years but less than twenty five years, an invalid pension on the scale laid down in Article 474 (b).

(c) After a service of not less than twenty years, a retiring pension not exceeding the following amounts —

Years of completed service	Scale of pension	Maximum limit of pension
		Rs                      Rs
20 to 14 } 25 and } above }	30 sixtieths of average emoluments	{ 4 000 a year or 333½ a month 5 000 „ 416½ „

NOTE 1.—[The rules in this Article do not apply to the following officers who have elected to remain under the rules in Articles 518 and 520 of the *Second Ed* of these Regulations —

*Forest Department* —Messrs T A Hauxwell and H S Ker Edie

*Geological Survey Department* —Mr C S Middlemiss

NOTE.—[The corresponding rule applicable to officers mentioned in Article 349A is contained in Article 474A]

### GOVERNMENT OF INDIA'S ORDERS

The invalid pensions of the officers mentioned in Articles 476 /

and 635 of the C S R, when they retire on medical certificate, before completing 25 years' service shall be calculated at the rates prescribed in Art. 474 (b) instead of at those prescribed in Art. 476 (b) and 641 (b). This decision takes effect from the 30th April, 1921  
[G I F D, No. 46 C S R dated the 20th January, 1922]

#### 477—480. *Cancelled*

### SECTION III.—AMOUNT OF INFERIOR PENSION

481. For Inferior qualifying service, pension may, subject to the conditions laid down in Articles 426 to 457, be granted as follows :—

#### (a) Compensation and invalid gratuity :—

after a service of less than five years—

*Nil*

"	"	not less than 5 years, but less than 10 years,	3 months' pay
"	"	" " 10 " " 15 "	4 "
"	"	" " 15 " " 20 "	5 "
"	"	" " 20 " " 30 "	6 "

(b) Compensation and Invalid pension : After a service of not less than 30 years, at the following rates :—

(1) (i) Record sorters and Duftries employed in Secretariats of Government of India	} Half pay not exceeding Rs. 20 a month
(ii) Sorters in the Imperial Library	
(iii) Sorters and duftries in the Imperial Record Department	
(2) (i) Duftries and record suppliers, employed in the Secretariats of Local Governments and Administrations, whose service has not been expressly declared to be superior, and duftries in the High Court, Calcutta	} Half pay not exceeding Rs. 10 a month.
(ii) Sarkar attached to the Public Works Department, Bengal, who draws a fixed pay of Rs. 20 a month	
(iii) Duftries employed in the branches of the Army Headquarters	
(iv) Record Suppliers employed in Calcutta and Karachi Customs Houses and [*Record Attenders in the Madras Custom House]	

(3) Jemadars employed in the Government of India Secretariats and in the several branches of the Army Headquarters and in the Royal Air Force

\* With effect from 3 10-1928.

## Headquarters —

<i>Service as 1st Class Jemadar</i>	<i>Pension</i>
Less than two years	Rs 10 a month
Two years or more but less than 4 years,	Rs 11 a month
Four years or more	Rs 12 a month

Provided that the pension shall in no case be less than that to which a Jemadar would have been entitled had he retired as a second-class Jemadar on his total service as Jemadar —

<i>Service as 2nd Class Jemadar</i>	<i>Pension</i>
Less than one year	Rs 8 a month
One year or more but less than three years	Rs 9 a month
Three years or more but less than five years	Rs 10 a month
Five years or more	Rs 11 a month
(4) In all other cases—Half pay not exceeding	Rs 4 a month

## GOVERNMENT OF INDIA ORDERS

(1) In the case of Press servants working at piece rates whose service qualifies for pension under Article 380 the word pay in Article 481 means the average earnings of the last six months of service

[G L F D No 4336—P dated the 9th September 1895 Paragraph 295 of the Punjab Manual]

(2) The last pay drawn by an officer in inferior service should be taken for calculating gratuity on the inferior scale when he is on leave immediately before retirement

If an inferior servant's pay is reduced during his leave without pay just before retirement his gratuity should be calculated on the reduced pay

(3) The increase of pension in the case of a pensioner who is in receipt of separate pensions from the Civil and Military Departments will be assessed on combined pension either under the Civil scale or the Military scale which ever is more favourable to the pensioner (*Madras Supplement*)

482 If the pay of an officer has been reduced during the last three years of his service otherwise than as a penalty, his gratuity or pension under this Section may, at the discretion of the authority which has power to sanction it, be calculated upon the average of his pay during the last three years of his service

## Premature Invaliding

483 An officer should not without urgent necessity, be invalided when he has nearly completed thirty years' service the Government cannot undertake to overlook a deficiency of service resulting from an

officer being prematurely invalided. The principle of this rule applies to all analogous cases.

### Military Artificers

484. A Military Artificer whose qualifying service, on pay exceeding ten rupees, excluding interruptions of, and absence from, duty of every kind, amounts to not less than twenty-five years, may be granted a Compensation or Invalid pension not exceeding three-fourths of the pension to which he would be entitled if his service on pay exceeding ten rupees were reckoned as Superior.

### Telegraph Messengers

485. Deleted.

*Rule* (See ~~Art.~~ 3 below Article 486)

## SECTION IV—ALLOWANCES RECKONED FOR PENSION

### Emoluments and Average Emoluments

486. The term "Emoluments," when used in this Part of the Regulations, means the emoluments which the officer was receiving immediately before his retirement and includes—

(a) Pay other than that drawn in a tenure post ;

(b) Personal allowance, which is granted (i) in lieu of loss of substantive pay in respect of a permanent post other than a tenure post, or (ii) with the specific sanction of the Government of India, for any other personal considerations ;

NOTE—Personal pay granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post shall be treated as personal allowance for the purpose of this Article. 'Personal pay' granted on any other personal considerations shall not be treated as personal allowance unless otherwise directed by the President

(c) Fees or commission, if they are authorised emoluments of an appointment, and are *in addition to* pay. In this case "Emoluments" means the average earnings for the last six months of service ;

(d) Charge allowance to Telegraphists in the Indian Telegraph Department and to Signallers, Inspectors and Charge Clerks in the Indo-European Telegraph Department ;

(e) Commission in the case of a Thugyi in Lower Burma. "Emoluments" in this case being held to mean the average of his monthly receipts in commission during the three years' actual service previous to retirement—but see example (3) under Article 489 ;

(f) Bullock Train allowance in the Post Office Department ;

(g) Allowance attached to a Professorship or Lecturership in a Government Institution ;



(h) Acting allowances of an officer without a substantive appointment if the acting service counts under Article 371, and allowances drawn by an officer appointed provisionally under Article 89, or appointed substantively *pro tempore* under Article 90 or in an officiating capacity under the rules in Section I of Chapter VI to an office which is substantively vacant and on which no officer has a lien or to an office temporarily vacant in consequence of absence of the permanent incumbent on leave without allowances or on transfer to foreign service.

(i) Deputation (duty) allowances.

(j) Duty allowances.

1. In the case of Section-writers whose service has been allowed to count for pension under special orders of the Government of India, and of Press servants whose service qualifies under Article 380, "Emoluments" means the average earnings of the last six months of service. For calculating gratuity on the Superior scale, "Emoluments" means the average earnings of the last six months in Superior service, and for calculating pension on the Inferior scale, Pay means the average earnings of the last six months in Inferior service.

2. In the case of an officer with a substantive appointment who officiates in another appointment or holds a temporary appointment, "Emoluments" means :—

(a) the emoluments which would be taken into account under this Article in respect of the appointment in which he officiates or of the temporary appointment, as the case may be, or

(b) the emoluments which would have been taken into account under this Article had he remained in his substantive appointment, whichever are more favourable to him.

3. The emoluments of a telegraph messenger paid on the task-work system shall be deemed to be the average amount of subsistence allowance and task-work earning drawn monthly by him during the last twelve months of service before his discharge or retirement.

## GOVERNMENT OF INDIA'S ORDERS

*Pay drawn in a tenure post.*

(1) According to Art 486(a) after amendment, pay drawn in a tenure post cannot be allowed to count as "emoluments" for pension.

As a corollary, in a case where an officer who is a subscriber to the Contributory Provident Fund (India) is appointed to a tenure post, whether in a substantive capacity or otherwise, he cannot be deemed to have been transferred permanently to pensionable service or to be eligible for the option given in rule 28 of the Contributory Provident Fund (India) and the emoluments to be taken for calculating the rates of subscription and government contribution will be the emoluments in the post in which the benefit of a Contributory Provident Fund is attached.

[G I M F, No 15(18) EV/53 dated the 8th July, 1953.]

*Personal allowance*

(2) The Governor General in Council with the approval of the Secretary of State for India has declared that the personal allowance drawn as compensation for the withdrawal of exchange compensation allowance to safe guard against actual loss of emoluments, shall be treated as "personal pay" for the purposes of calculating leave salary but not for pension

[G I F D, Res No 2666-F.E., dated the 19th December, 1922, Paragraph 299 of the Punjab Manual ]

(3) Personal allowance to Head Clerks and 2nd Clerks of Deputy Commissioner's office and 2nd Clerks of Commissioner's office should be taken into account in the calculation of average emoluments for the purposes of pension

[G P No 1381, dated the 18th July 1899, Paragraph 298 of the Punjab Manual ]

*Fees and Commission*

(4) The definition of 'emoluments' in Art 486 (c) applies only to the case of an officer who is eligible for a gratuity. If an officer who is in receipt of fees or commission as the authorised emoluments of his appointment and in addition to his pay is eligible for a pension, his average emoluments should be calculated in accordance with the rules in Art 487

[G I F D, No 4663 P dated the 27th October 1893, Paragraph 300 of the Punjab Manual ]

(5) The fees earned by a Nazir appointed under the Guardians and Wards Act (1890), The Indian Trust Act (1881), The Indian Succession Act (1865), The Lunacy Act (1858) and Bombay Regulation VIII of 1827 to the management of an estate should not be reckoned towards pension

[G I H D No 1502 1601 dated the 26th August 1912, Paragraph 301 of the Punjab Manual ]

(6) In calculating the average earnings, of a Sub-Registrar on fixed pay and in receipt of a commission on registration fees for the last six months of his service if he has been on leave during that period, the principle of Rule 1 to Art 487 should be applied

[G I F D, No 6422 P dated the 20th November 1905 Paragraph 302 of the Punjab Manual ]

(7) The copying fees received by Head Clerks of District Offices in the Punjab for the revision and attestation of copies of judicial records are not "emoluments" within the meaning of Art 486 (c) C S R. They should not therefore, be taken into account in the calculation of pensions

[G I F D No 4942 P dated the 3rd August 1904 Paragraph 303 of the Punjab Manual ]

*Acting allowance*

(8) When the lien of an officer on his appointment is suspended under Art 89, the increased remuneration of all officers, whose

appointments are made provisionally substantive in the resulting chain of vacancies, should be reckoned as part of average emoluments for the purpose of calculating pension under this Article

[G I F D., No 1098/1099 C S R dated the 18th December, 1918, Paragraph 306 of the Punjab Manual]

### *Ex-Cadre posts*

(9) A doubt has been expressed as to whether an officer can be declared as having officiated against a vacant permanent post for the purpose of Art 486 (h) in respect of a period during which he may have actually worked in some ex-cadre posts, and the vacant permanent post may have been actually held by some other officer. The position is that if an officer would have held the vacant post by virtue of seniority or selection as the case may be, but for his being on deputation or foreign service at the time when the post in question falls vacant, that officer should get the benefit under Art 486 (h) on basis of the certificate issued under the next below rule and the junior man actually officiating in the vacant post can earn the benefit only under Art 487 B if otherwise admissible

[G I M F., No 9(16) EV/59 dated the 17th June, 1959]

NOTE—[To obviate administrative difficulties, cases which have been regulated otherwise than as stated above and where the persons concerned had retired from service and their pension cases had been settled finally before the 17th June, 1959 need not be re-opened]

[G I M F., No F-9(16)-EV/59 dated the 13th January 1960]

### *Pro-tempore appointment*

(10) The concession allowed by clause (h) of this Art. to an officer appointed provisionally or substantively *pro-tempore* to an office vacant in consequence of the absence of the permanent incumbent on foreign service or on leave without allowances is not restricted to the officer who fills the place of the officer absent on deputation or leave but is admissible to all the officers appointed provisionally or substantively *pro-tempore* in the chain of appointments made in consequence of such an absence. As regards the position under Fundamental Rules, order no (11) below may be referred to.

[G I F D., No 5565-P., dated the 21st October, 1902, Paragraph 304 of the Punjab Manual.]

### *Officiating appointment*

(11) In the case of a Government servant with a substantive post on a permanent establishment, who is appointed to officiate after the 1st January, 1922 in a permanent post which is substantively vacant or which is temporarily vacant in consequence of the absence of the substantive incumbent on extraordinary leave or on transfer to foreign service, and is allowed to draw the full officiating pay or salary admissible under the rules, the difference between substantive pay and officiating pay or salary counts as emoluments for pension

[G I F D. No 784/C S R dated the 8th July, 1925 Paragraph 296 of the India Supplement]

NOTE —[The above order takes effect from the 11th September 1920 the date on which the new acting allowance rules promulgated with the Department Resolution No 2097 C S R dated the 27th November, 1920 came into force ]

[G I F D No F 16-C S R dated the 22nd January, 1926, Paragraph 299 of the India Supplement ]

(12) With reference to rule 2 under Art 486 C S R the Government of India have stated that the intention underlying the orders contained therein is that an officer's pension should not be adversely affected by his appointment to a higher officiating or temporary appointment. The emoluments which can be taken into account under Art 486 in the case of an officer officiating in a higher permanent appointment are not only the emoluments referred to in clause (h) of that Article but also those referred to in clause (j) thereof. The substantive holder of a permanent post who holds a temporary post is likely to draw under Art 76 C C S R deputation (duty) allowance (i.e., special pay) which counts for pension under Art 486 (i) C S R.

[G I F D, No F 11(14) R 11/36 dated the 16th June 1936 Paragraph 319 of the Punjab Manual ]

#### *Duty Allowance*

(13) When an officer though not on foreign service, is permitted to receive a duty allowance from a foreign employer, that allowance cannot ordinarily count for leave allowances and pension.

[G I F D No 157/158 C S R dated the 17th February, 1917, Paragraph 320 of the Punjab Manual ]

(14) If the special pay drawn in a particular post during the last 3 years of an officer's service fulfils the conditions for treatment as duty allowances or deputation (duty) allowances under the relevant provisions of the C S R, it should count for pension irrespective of whether it is drawn in a tenure post or a non tenure post.

[G I M F No 12(7) EV/54 dated the 23rd March 1954 ]

#### *Special pay for unhealthiness of locality*

(15) Special pay granted on account of the unhealthiness of the locality in which the duty is performed should be taken into account in calculating the pensions of officers retiring on or after the 10th March, 1924.

[G I F D, No D 2989 R II dated the 13th January 1931, Paragraph 316 of the Punjab Manual ]

#### *Compensatory allowance*

(16) Compensatory allowance sanctioned in the Home Department letter No F 8/12/36 Police, dated the 5th October, 1936, for the Police staff employed on tear gas experiments at Phillaur should be classified as "special pay."

[G I F D, No D 768/Ex II, dated the 10th February, 1937, Paragraph 317 of the Punjab Manual ]

(17) In future when sanctioning a special pay, the question whether it would count for purpose of pension should also be decided.

in consultation with the Ministry of Finance either simultaneously or as soon after the issue of the sanction as may be possible.

[G I M F, No. F 12(18) EV/57, dated the 21st June, 1957]

(18) It has been decided that special pay will not, in any circumstances, count as emoluments for pension, even if it is in the nature of duty allowance. The amendments to the relevant rules will take effect from the 22nd April, 1960, and accordingly special pays drawn by persons retiring on or after this date will not count for pension.

The Government have, however, decided to grant the following concessions—

(i) In the case of persons who have retired on or after the 1st November, 1959 but before the 22nd April, 1960, qualifying service as well as emoluments for pension will be reckoned either according to the relevant pension rules as they stood on the date of their retirement or under the provisions as amended by the notifications and office memorandum referred to above, whichever is more favourable.

(ii) In respect of all Class III and Class IV posts, and other posts the maximum of whose existing time scale of pay does not exceed Rs 500, and carrying special pays which are in the nature of duty allowance, and are in lieu of separate scales of pay, it is the intention of the Government to prescribe consolidated scales of pay taking into account the quantum of special pay. The consolidated scale of pay will take effect from the 1st November, 1959, as in the case of other revised pay scales which will be prescribed as a result of the recommendations of the Pay Commission.

(iii) In respect of persons holding posts referred to in (ii) above and who retire on or after the 22nd April, 1960, average emoluments for any period prior to the 1st November, 1959 will be reckoned as if they had drawn pay on the consolidated time-scales of pay, provided that the emoluments so reckoned will not exceed the amount which would have been reckoned but for the amendments to the pension rules. Until the consolidated scales of pay are actually prescribed, pension should be sanctioned on a provisional basis without taking into consideration the special pay.

[G I M F, No. F 4 (2) Es (Spl)/59 II dated the 22nd April 1960]

(19) A note of all cases in which special pays granted to non-gazetted Government servants may be allowed to count for purposes of pension, should be kept in the service books of the employees concerned as also in the annual establishment returns.

[G I M F, No. F 12 (18) EV/57 dated the 21st October, 1957]

(20) Special pay granted to the Medical officer of a Provincial Government by the Central Government for part time service cannot be treated as 'duty allowance' for the purpose of calculating the average emoluments. For the purpose of pension, pay as defined in Art.

8 (a) of the C S R and not as defined in F R 9 (21) (a) should be taken into account

[G I M F U O No 6503 EV/48 dated the 25th October 1948 ]

*Gratuity is not calculated on pay to which promoted while on furlough*

(21) An officer promoted from lower to higher pay while on furlough or other leave on which he would not receive the benefit of enhanced pay till he returned to duty, cannot if he retires with gratuity without rejoining his appointment claim the benefit of gratuity calculated on the pay to which he was promoted while on furlough or other leave as described above (Allahabad)

[G I F D No 1300 dated the 7th June 1883 Paragraph 290 of the India Supplement ]

### *Appointments to temporary posts*

(22) The purposes and scope of substantive appointments to temporary posts are explained in Article 76D C S R There is no rule corresponding to this Article in the Fundamental Rules As stated in Article 76D a declaration under that Article to the effect that an officer will hold a particular temporary post substantively is made for a specified purpose namely for the purpose of acting allowance rules The purpose for which the emoluments drawn in a temporary post held substantively are to be treated as 'substantive pay' is also specified in the Article as 'for the purpose of calculating salary' It is therefore clear that substantive appointments to temporary posts are relevant only in connection with calculation of salary and that when an officer holds a temporary post in a substantive capacity the emoluments drawn by him in that post are not to be treated as his substantive pay for the purpose of pension When the pay drawn in a temporary post held substantively does not count for pension the question of counting acting allowance in respect of a temporary post on which no other officer holds a lien does not at all arise It follows that acting allowance mentioned in clause (h) of Article 486 C.S R refers to permanent posts only

The object of Rule 2 under this Article is to guarantee to a Government servant with a substantive appointment who officiates in an another appointment or holds temporary appointment atleast the pension which he would have received had he remained in his substantive appointment It is to be noted that under clause (a) of Rule 2 under this Article an officer can be given the alternative benefit of counting emoluments in respect of the appointment in which he officiates or the temporary appointment only where the conditions of the main rule in this Article are fulfilled

[G I M F No F 28 (50) EV/60 dated the 15th December 1960 ]

The principles of clause (h) of Art 486 C S R and Rule 2 under that Article have not been adopted in Art 486A *ibid* which has replaced Art 486 from the 22nd April 1960

*Miscellaneous Allowances*

(23) The allowances attached to the King's Police Medal and the Indian Police Medal should not be merged in the salary of the recipients of the Medals for purposes of calculating their pension.

[G I F D No D 865 R I dated the 27th April, 1935, Paragraph 323 of the Punjab Manual]

(24) The Non practising Allowance, granted to Doctors should be treated as pensionable emoluments in full if it was received in respect of a permanent post held in a substantive capacity and to the extent of half in all cases

The above order will be deemed to have effect from the 22nd April, 1960

[G I M I , No F 39 (10) EV/60 dated the 18th October, 1960]

*Pay drawn on foreign service*

(25) Pay drawn on foreign service is not taken into account for the purpose of pension

[G I M F U O No 7187 EVA/59 dated the 2nd February 1959]

*Temporary increase in small pensions*

(26) All civil pensioners of the Central Government (other than pensioners of Railway) shall, with effect from the 1st January, 1946 i.e., on pensions due in February, 1946 until further orders be granted a temporary increase in these pensions on the following revised scale—

Pension not exceeding Rs 20 p m	Rs. 4 p m
Pension exceeding Rs 20 but not exceeding Rs 60 p m	Rs. 5 p m
Pension exceeding Rs 60 but not exceeding Rs 100 p m	Rs. 6 p m
Pension exceeding Rs 100 but not exceeding Rs 106 p m. such increase as will bring the total pension to	Rs 106 p m

[G I F D , No F 1-(22)-W/II/45 dated the 26th May 1945]

The rates of temporary increase sanctioned under Government of India, F D Notification No F 1 (22) W II/45 dated the 26th May, 1945 have been enhanced as follows in respect of Central Government pensioners who retired from service before the 15th July, 1952

<i>Amount of pension.</i>	<i>Rate of temporary increase</i>
Pension up to Rs 40 p.m	Rs. 10 p m
Pension above Rs 40 but not above Rs 100 p.m	Rs. 12.50 p.m.
Pension above Rs 100 p m such temporary increase as will bring the total pension to	Rs 112.50 p.m

These enhanced rates of temporary increase will take effect from the 1st April, 1958 that is in respect of pensions due for the month of April, 1958, and subsequent periods until further orders.

G I M F., No F (8) EV 57 dated the 9th June 1958]

The temporary increase in pension is determined on the pension granted originally and not on the pension after commutation

G I M F No 793 EV 49 dated the 20th February 1959]

*See Government of India order Nos (1) and (3) and notes under the order (3) below Art 474*

### *Interim Relief*

(27) An Interim relief of Rs 5 p m is granted to all Central Government employees drawing pay up to Rs 250 p m and as a marginal adjustment up to Rs 300 p m with effect from the 1st July 1957. Such employees if they elect the revised scales of pay under the Central Civil Services (Revised Pay) Rules 1960 will cease to draw the Interim Relief of Rs 5 from the 1st July 1959.

### *Dearness Allowance*

(28) The rates of dearness allowance mentioned below are applicable up to the 30th June 1959 in the case of Government servants who elect the revised scales of pay under the Central Civil Services (Revised pay) Rules 1960. But officials who elect to remain under pre 1931 scales or the prescribed scales will continue to draw dearness allowance sanctioned herein.

#### **A —non gazetted officers and married gazetted officers**

<i>Pay</i>	<i>Dearness Allowance</i>
Up to Rs 50	Rs 40 p m
Rs 51 — 100	Rs 50
Rs 101 — 150	Rs 55
Rs 151 — 200	Rs 60
Rs 201 — 250	Rs 65
Rs 251 — 300	Rs 65
Rs 301 — 500	Rs 70
Rs 501 — 750	Rs 85
Rs 751 — 1 000	Rs 100
Rs 1 000 — 1 100	The amount by which the pay falls short of Rs 1 100

#### **B —unmarried gazetted officers**

<i>Pay</i>	<i>Dearness Allowance</i>
up to Rs 1 000	10% of pay subject to a minimum of Rs 40 and a maximum of Rs 75 p m
Rs 1 001 — 1 075	The amount by which the pay falls short of Rs 1 075

[G I M F No F 2(22) EV(8)/60 dated the 2nd August 1960]

(29) The following rates of dearness allowance are admissible to Central Government employees paid from the Civil Estimates —

<i>Pay</i>	<i>Dearness allowance</i>
Below Rs 150	Rs 10
Rs 150 and above but below Rs 300	Rs 20
Rs 300 and above	The amount by which pay falls short of Rs 320

The revised rates took effect from the 1st July 1959 and are applicable to Government servants who elect or are brought on to the revised scales of pay under the Central Civil Services (Revised



Pay)\* Rules, 1960, No portion of the revised rates of dearness allowance are treated as pay for any purpose

[G I F D, No F. 1(6) Estt II (B)/60 dated the 2nd August, 1960]

*Counting half of the D A for purpose of pension*

(30) In the case of all government servants who were either actually drawing dearness allowance or would have drawn it but for their officiating in a post on a pay above the monetary limits of eligibility for the allowance —

(i) the average emoluments for pension calculated under Art 487 C S R will be increased by one-half of the average of the Dearness Allowance which he had drawn or would have drawn in the posts the emoluments in respect of which have been included in the calculation of "average emoluments"

(ii) Where a Government servant is eligible only for a gratuity under Art 474(a) C S R one half of the monthly dearness allowance in the appointment the emoluments of which are reckoned for gratuity will be added to his 'emoluments' as calculated under Art 486 C S R for the purposes of determining the amount of gratuity admissible

(iii) for the purpose of these orders "dearness allowance" means the dearness allowance including marginal allowances (adjustments) drawn up to the 31st December, 1946 Marginal dearness allowance which would have been allowed but for the introduction of war allowance will also be taken into account for this purpose

(iv) The extra pension admissible under these orders will be added to the existing pension and the two treated as the pension for the purpose of commutation

2 These orders will apply to all eligible government servants who retired after the 1st August, 1942, the date from which dearness allowance was sanctioned, but the resulting increase in pension will be granted only with effect from the 1st January, 1946

The additional pension on account of dearness allowance now sanctioned may be allowed even in cases where the maximum of the normal pension is admissible, but the resulting increased pension will be drawn with effect from the 1st January, 1946 only

Average of dearness allowance should be struck not for the actual period for which dearness allowance may have been drawn but for three years prior to retirement as is done in arriving at the average pay *i.e.*, it shall be divided by 36 to arrive at the amount of average of dearness allowance

[G I M F No 4164 EV/48, dated the 28th June 1948]

*Dearness Pay*

(31) 50% of the dearness allowance granted to Central Civilian Government servants in the various pay groups up to a pay of Rs 750 p m (with marginal adjustments thereafter) shall be treated

as pay for the purpose and to the extent specified hereinafter. In the case of an unmarried gazetted officer the amount of dearness allowance that shall be treated as pay will be reckoned with reference to the dearness allowance he would have drawn had he been a married officer.

*Amount of dearness allowance treated as pay*

2 While there will be no change in the scales of pay attached to the various posts and the basis on which the dearness allowance is calculated, out of the dearness allowance admissible, the following amounts shall be treated as "dearness pay" in relation to pay in the different ranges specified below —

<i>Pay range</i>	<i>Amount of dearness pay</i>
Not exceeding Rs 50	Rs 20 00
Exceeding Rs 50 and not exceeding Rs 100	Rs 25 00
Exceeding Rs 100 and not exceeding Rs 150	Rs 27 50
Exceeding Rs 150 and not exceeding Rs 200	Rs 30 00
Exceeding Rs 200 and not exceeding Rs 250	Rs 32 50
Exceeding Rs 250 and not exceeding Rs 300	Rs 32 50
Exceeding Rs 300 and not exceeding Rs 500	Rs 35 00
Exceeding Rs 500 and not exceeding Rs 750	Rs 42 50
Exceeding Rs 750	Amount by which pay falls short of Rs 792 50

3 Pensions and Gratuities (i) The dearness pay shall count as "emoluments" for pension and gratuity. For this purpose —

(1) the emoluments as reckoned under Art 486 C S R shall be increased by the dearness pay appropriate to the pay equal to such emoluments, and

(2) Where the concessions sanctioned in the Ministry of Finance memo No F 15(6) EV 52 dated the 26th July, 1952<sup>1</sup> are admissible, the pay in the provisionally permanent/officiating/temporary post shall be increased by the amount of dearness pay appropriate to such pay and the ultimate "emoluments" shall be determined on this basis.

(ii) except as stated below the ultimate average emoluments under Art 487 or the office memo dated the 26th July, 1952, as the case may be, shall be determined on the above basis. This concession shall take effect from the 15th July 1952 but in the case of persons who have already retired on or after that date or who may retire within three years of that date, the ultimate average emoluments will be calculated as follows

The average emoluments shall be reckoned in terms of Art 487 read with the office memo dated the 26th July 1952 and to the average emoluments thus determined shall be added—

(a) in the case of persons retiring on or after the 15th July, 1952 but before the 15th July, 1953—one half of the dearness pay appropriate to the pay equal to such average emoluments, and

<sup>1</sup> see G I order No 5 below Art 487A

(b) in the case of persons retiring on or after the 15th July, 1953 but before the 15th July, 1955—the full dearness pay appropriate to such average emoluments

(iii) Pensions and gratuities of persons who have already retired on or after the 15th July, 1952 shall be recalculated on the above basis and the arrears, if any, paid subject to such adjustments as may be necessary. A set of formulae indicating the actual method to be adopted for determining the ultimate emoluments and average emoluments under these orders are given in the annexure. Necessary action for revising the pensions and gratuities on the basis of these orders should be immediately initiated by the administrative authorities concerned.

4 Persons who are eligible for the benefits under paragraph 3 above will not be entitled to any temporary increase in pensions sanctioned in the Finance Department Notification No F 1(22) W 11/45 dated the 26th May, 1945. If, however, the pension calculated under the normal rules without taking into account the "dearness pay" plus the temporary increase in pension is more favourable than the benefits under paragraph 3 above, the individual concerned may be granted the former.

[For rates of temporary increase refer to order No (26) below this Article.]

### ANNEXURE

*Formulae for determining emoluments and average emoluments as a result of counting dearness pay as emoluments for pension and gratuity*

### DATA

*A*—emoluments under Art. 486

*a*—dearness pay appropriate to *A*

*B*—emoluments in provisionally permanent/officiating/temporary post if the post were permanent and held substantively

*b*—dearness pay appropriate to *B*

*X*—average of *A*

*Y*—average of *B*

*X*<sub>1</sub>—average of *A* + *a*

*Y*<sub>1</sub>—average of *B* + *b*

*c*—dearness pay appropriate to *X*

*d*—dearness pay appropriate to  $X + \left[ \frac{(Y-X)}{2} \right]$  or  $\frac{X}{3}$  whichever is less

### FORMULAE

*Cases in which  
Art 487 B is  
not applicable*

*Cases in which  
Art 487 B is  
appl cable*

*Emoluments*

$(A+a)$

$(A+a) + \left\{ \begin{array}{l} \frac{(B+b)-(A+a)}{2} \text{ or} \\ \frac{(A+a)}{3} \text{ whichever is less.} \end{array} \right.$

*Average emoluments*

- (1) In the case of persons retiring between 15-7-52 and 14-7-53  $\left( X + \frac{c}{2} \right) X + \left\{ \begin{array}{l} \frac{Y-X}{2} \text{ or } \frac{X}{3} \\ \text{whichever is less} \end{array} \right\} + \frac{d}{2}$
- (2) In the case of persons retiring between 15-7-53 and 14-7-55  $(X+c) X + \left\{ \begin{array}{l} \frac{Y-X}{2} \text{ or } \frac{X}{3} \\ \text{whichever is less} \end{array} \right\} + d$
- (3) In the case of persons retiring on or after 15-7-55  $X_1 (X_1 + \left\{ \begin{array}{l} \frac{Y_1-X_1}{2} \text{ or } \frac{X_1}{3} \\ \text{whichever is less} \end{array} \right\})$

[G I M F, No 6 (5)—E II/53 dated the 9th May, 1953]

Since the temporary increase sanctioned in G I F.D., No F 1(22) W/II/45, dated the 26th May, 1945 was enhanced vide G I F.D. No G I M F., F 8(5)-EV/57, dated the 9th June, 1958 for pensioners who retired before the 15th July, 1952 with a view to bringing them on the level of those pensioners who retired on or after the 15th July, 1952 in whose case "dearness pay" is taken into account in fixing their pension, it has been decided that pensioners in whose pension an element of dearness allowance has been taken into account should not be allowed the benefit of temporary increase, even though it may be more advantageous. The provisions in paragraph 4 above are withdrawn.

[G I M F No F 33(7) EV/59, dated the 26th May, 1959]

The revision of rates of dearness allowance or the grant of interim relief does not change the rate in dearness pay (Imp.)

[G I M F No F 9(18) Est (Spl) /57, dated the 27th December, 1957]

*Death cum-Retirement Gratuity*

5 The death *cum* retirement gratuity and the family pension payable in respect of persons who died on or after the 15th July, 1952, should also be re-calculated as a result of the concession embodied in paragraph 3 of the G I letter of the 9th May, 1953 above. But the death *cum*-retirement gratuity being based on emoluments and not on 'average emoluments' the formulae mentioned in clauses (a) and (b) of sub paragraph (ii) of paragraph (3) of that office memorandum will not apply for its calculation. For that purpose the entire dearness pay to which the government servant would have been entitled immediately before death or retirement should be added to the 'emoluments' calculated under the normal rules and the sum total should then constitute the ultimate 'emoluments' for the purpose of reckoning the death-*cum* retirement gratuity.

[G I M F, No 15(19) EV/53, dated the 26th September, 1953]

NOTE 1 —The orders were intended to be, and are also applicable to class IV employees equally with others. As has been provided in paragraph 3(5) of the Liberalised Pension Rules the expressions 'emoluments' and 'average emoluments' occurring in paragraph 3 of this order, will in relation to class IV employees mean 'pay' and 'average pay' respectively as defined in rules 5(b) and (c) of the Central (class IV) Services Gratuity Pension and Retirement Rules 1936, provided that in any case the pay was reduced during the last three years of service otherwise than as a penalty, 'average pay' may, at the discretion of the authority which has the power to sanction the gratuity be treated as 'emoluments'.

[G I M F, No F 66(6) EV/53, dated the 17th December, 1953]

NOTE 2.—[In the case of a Government servant who is entitled to free board and lodging concessions as a condition of his appointment and is, therefore entitled to draw dearness allowance at only 50 percent of the normal rates which would otherwise be admissible to him the amount of dearness allowance to be treated as dearness pay for the purpose of order of the 9th May, 1953 above shall be reckoned at the rate at which it would be calculated if free board etc were not given irrespective of whether the actual amount of dearness allowance drawn is more or less than the amount treated as dearness pay]

These orders will take effect from the date of issue this decision ]

[G I M F No F 1(1) E II B 57, dated the 11th June, 1957 ]

NOTE 3 —[The actual drawal of dearness allowance according to the relevant rules governing its drawal is not the criteria for determining the amount for counting dearness pay as emoluments for pension and gratuity during leave. The emoluments or average emoluments should be increased in the manner prescribed in para 3(i) (2) of the government of India letter dated the 9th May, 1953, as the case may be, on the periods of leave including that during which a Government servant may not be in receipt of dearness allowance under the operation of the rules governing its drawal ]

[G I M F , No E (21)-6-EV/54, dated the 26th July, 1954 ]

NOTE 4 —[A question has been raised as to how the increased pensionary liability on account of counting dearness pay for pension will be allocated between the different Governments under which the Government servant served before retirement. In this connection, it has been observed that the benefit of counting dearness pay for pension is permanent concession and that, so far as pension is concerned, this concession has virtually the effect of exchanging the scale of pay of the post from which the Government servant retires, by the amount of the dearness pay admissible to him. The Government of India, therefore, consider that the enhanced pensionary liability on account of counting dearness pay for pension, should be allocated between different Governments in the normal manner, on the basis of qualifying service rendered under each Government in the same way as the increased liability is allocated due to the retirement of a Government servant from a post carrying higher pay ]

[G I M F , No F 12(21)-EV/54, dated the 22nd October, 1954 ]

NOTE 5 —[It has been decided that dearness pay should so count for the reckoning of 'discharge gratuity' subject to the other conditions laid down in the Office Memorandum G I M F 12(27)-W11/45, dated the 30th November, 1945. Past cases should however, not be reopened ]

[G I M F , No 22(2)-EV/56, dated the 4th October, 1956 ]

NOTE 6 —[The provisions of these rules will take effect from the 1st April, 1953 ]

These orders do not apply to :—

(a) Members of the I A S and the I P S

[Refer to orders nos 37 and 38 below.]

(b) persons appointed on contract.

(c) persons who are granted consolidated rates of pay and are not in receipt of dearness allowance, and

(d) persons who are in receipt of dearness allowance at the rates other than those sanctioned in the G I F.D, No F. 9 (4)-E 11/61 dated the 12th June, 1951. These orders do not also apply to Railway employees and persons paid from Defence Services Estimates

(32) According to paragraph 3 of G.I.M.F., No F, 6 (8)-E-II/53 dated the 9th May, 1953 (order No. 31) emoluments of Government servants retiring on or after the 15th July, 1955, as reckoned under Art. 486 and where applicable under Art 487 B, C.S.R. are for the

purpose of calculating the ultimate average emoluments, increased by the dearness pay appropriate to the pay equal to such emoluments, drawn during the last 36 months. Cases have come to notice in which though the persons concerned had retired on or after the 15th July, 1955, due to the intervention of leave without pay etc the period of 36 months for the purpose of calculating of average emoluments commenced from dates, prior to the 15th July 1952. In such cases under the orders as they stand, the benefit of dearness pay is not admissible in respect of the emoluments drawn before the 15th July, 1952. In the case of person retiring before the 15 July 1955 however, the period preceding the 15th July, 1952, is taken into account for the purpose of average emoluments to which appropriate amounts of dearness pay are added. This places the persons retiring before the 15th July, 1955 in a more advantageous position vis a vis those retiring on or after the 15th July, 1955. To remove this anomaly it has been decided that the emoluments of those retiring on or after the 15th July, 1955 reckoned under Art 486 and where applicable, Art 487 B C S R should be increased by the dearness pay appropriate to the pay equal to such emoluments, notwithstanding the fact that a portion of the last 36 months may fall prior to the 15th July, 1952, the date from which the benefit of the dearness pay was allowed for the purpose of pension.

[G I M F No 22 (1)-EV 57 dated the 23rd August 1957]

(Imp.)

(33) Officers who elect or are deemed to have elected the revised scales of pay with effect from the 1st July, 1959 or from a later date as the case may be, and retire/die within three years from the date of coming over to the revised scale and thus drawing pay at the revised scales of pay would have drawn dearness pay at the rates in force on the 30th June 1959, for some period during the initial spell of the last three years of their service. A doubt has arisen as to what treatment should be accorded to the dearness pay for purposes of pension in such cases with reference to the order of the 9th May, 1953. Since the nature of the 'dearness pay' continues to remain unchanged so long as pay is drawn at the existing scales of pay it is hereby clarified that in such cases 'dearness pay' at the rates in force on the 30th June 1959 will continue to be treated as emoluments for the purpose of pension till the date they commence drawing pay in the revised scales of pay.

[G I M F No F 39 (1) EV/60 dated the 24th January, 1961]

(34) It has been decided that the dearness pay should be taken into account in making awards from the Compassionate Fund. The amount of dearness pay therefore, may be shown along with pay proper in the Summary of Facts when forwarding recommendations for award from the Compassionate Fund.

[G I M F No F 8 (13) EV/53 dated the 8th October 1953]

(35) It has been decided that 'dearness pay' should be taken into account for the purpose of calculating awards under the extra-

ordinary pension rules, in respect of Government servants injured or killed on or after the 15th July, 1952.

[G I M F, No F 6 (30) EV/54 dated the 11th November, 1954]

(36) A question has been raised whether dearness pay should also be treated as pay for purposes of allowance which has been granted in localities with bad climate, but are treated as special pay under F R 9 (25) (c). This question has been carefully examined and it is felt that it would not be correct to treat dearness pay as pay for determining the quantum of bad climate allowance where it has been treated as special pay, for the following reasons —

(i) Any increase in the quantum of such an allowance would mean an increase in the special pay and that would infringe the basic condition subject to which a part of the dearness allowance has been treated as pay, namely, that the sum total of pay and dearness allowance is not enhanced in implementing the order to treat a part of the dearness allowance as pay vide the terms of reference to the Dearness Allowance Committee

(ii) Since the quantum of dearness allowance (and indirectly of dearness pay itself) is being determined on the basis of special pay under F R 9 (25) (c), it would not be correct to allow dearness pay again to regulate the quantum of the special pay

It has, accordingly been decided that dearness pay will not count as pay for purposes of bad climate allowance which has been treated as special pay under F R 9 (25) (c)

These orders will take effect from the 1st April, 1953 but recoveries of overpayments, if any, made prior to the issue of these orders will be waived

[G I M F, No 21 (1) E II (B /55 dated the 19th December, 1955)]

(37) Pending the finalization of the pension rules for the Indian Administrative Service, it has been decided to extend the concession contained in G I M H A, No 11/2/53 AIS (II) dated the 17th June, 1955 (given as No (38) below) to officers of the I A S as well

Accordingly, the dearness allowance drawn by Indian Administrative Service officers shall count as 'emoluments' for purposes of pension and gratuity to the same extent and subject to the same conditions as for Central Service officers vide G I M F No 6 (5)-E II/53 dated the 9th May, 1953 (order No (31) above)

[G I M H A No 2/13/55A A I S (III) dated the 10th July 1956]

(38) The Government of India have decided that as in the case of officers of the Central Services the dearness allowance drawn by Indian Police Service officers shall be counted as emoluments for purposes of pension and gratuity to the extent indicated below —

<i>Pay Range of officer</i>	<i>Amount of Dearness Allowance</i>
Rs 350 and above and not exceeding Rs. 500	Rs 35
Exceeding Rs 500 and not exceeding Rs 750	Rs 42/8
Exceeding Rs 750	Amount by which pay falls short of Rs 792 8

[G I M H A., No 11/2/53 A I S (II) dated the 17th June, 1955]

## AUDITOR GENERAL'S ORDERS

(1) The emoluments drawn by a Government servant in a vacant permanent post held on probation during the last 3 years of his service count for pension under clauses (a) and (b) of this Article

[C.C.A's Letter No T 846 A 123 31 dated the 8th August, 1931, Paragraph 297 of the Punjab Manual]

(2) Local allowances under the C S R which were subsequently termed as 'special pay' on the introduction of the Fundamental Rules cannot be treated as emoluments for pension. The existing pension rules in the C S R must be interpreted in the light of the definitions in the Fundamental Rules

[Ar Genl's letter No  $\frac{985 A/986 A}{355 23}$  dated the 20th September 1923, Paragraph 312 of the Punjab Manual]

(3) A question arose whether Mr A L Chatterjee, who was made provisionally substantive Assistant Accounts Officer of the Accountant General, Bihar, in the vacancy caused by the suspension of lien of Mr Muzaffar, a permanent Assistant Accounts officer in that office consequent on the latter's substantive appointment to the permanent post of Assistant Financial Secretary to the N W F P Government (decided to be a tenure post so far as officers of the Indian Audit Department are concerned for the purpose of regulation of pay) could count his emoluments as provisional substantive Assistant Accounts Officer towards pension. The following decision was given by the Auditor General

*The relevant rule to be applied in this case is Art 486(h) C S R under which the allowances drawn by an officer appointed provisionally under Art 89 C S R to an office which is vacant and on which no other officer has a lien count as emoluments for pension. After the introduction of the Fundamental Rules the liens of the officers governed by these rules are suspended under F R 14(d). It has, therefore to be seen in this case for the purpose of this Article whether suspension of lien could properly be made under Art 89 C S R or in other words whether it fulfils the conditions mentioned in that Article viz —*

(1) that the officer is transferred to duty which is such that he retains no connection with his own appointment, and

(2) that there is reason to believe that the duty will not terminate within three years

Condition (2) is clearly fulfilled in the present case. As regards condition No (1) it is a fact that the post of the Assistant Financial Secretary, N W F P is a permanent post, and since Mr Muzaffar was holding it in a substantive capacity, he could undoubtedly have counted his service and emoluments as Assistant Financial Secretary towards his pension under Art 361, read with Art 368. Art 376 has no application here, since, as will be seen from Art 377,



the former Article is an exception to the second condition mentioned in Art 361 and as such applies only to cases of permanent men detached on temporary duty, e g , in temporary posts

For these reasons, the Auditor General has held and the Government of India agree with him that the suspension of Mr Muzaffar's lien satisfied both the conditions mentioned in Art 89 and consequently Mr Chatterjee could count towards pension the emoluments drawn by him as provisionally substantive Assistant Accounts Officer

[Ar Genl's letter No 31 GBE 397-43 dated the 10th January, 1944, Paragraph 305 of the Punjab Manual ]

(4) The *sub protem* allowances drawn by a man in a vacancy, caused by the permanent incumbent's transfer to punitive police, should count for pension as pension contribution is recovered from punitive police, the service is 'Foreign Service' to all intents and purposes

[Paragraph 309 of the Punjab Manual ]

(5) The Provincial Government is empowered to declare that the *sub protem* allowances, in cases where the nature of the vacancy cannot be established, may count for pension under the provisions of Art 486 (h), C S R

[Ar Genl's letter No 69 A/5 23 dated the 15th January, 1923 Paragraph 310 of the Punjab Manual ]

(6) The officiating allowance counts as emoluments for pension under clause (h) of this Article only in the case of an officer who officiates in a permanent post which is substantively vacant and on which no officer has a lien or temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances or on transfer to foreign service. The orders have the effect of debarring junior men appointed to officiate in the consequent chain of arrangement to count the officiating allowance drawn by them because they officiate in a post which is not substantively vacant and on which another officer has a lien

(7) The concession of counting the officiating pay as emoluments for purposes of pension is admissible only to the person who officiates in the post which is substantively vacant and not to other persons appointed in that chain, since in their case the conditions of Art. 486 (h) have not been fulfilled (This order does not effect G.I. order No 10 below this Art )

[Ar Genl's letter No 341-A/166-39 dated the 19th July, 1939, Notes under Paragraph 311 of the Punjab Manual ]

(8) Dr A while holding the appointment of Assistant to a Civil Surgeon was allowed to perform the duties of the Civil Surgeon, in addition to his own duties for some time. As Civil Surgeon, Dr. A's officiating pay for the period was fixed at Rs 600 which is the minimum pay of the grade of Civil Surgeon, and an additional pay of Rs 108 (equal to 1/5th of his substantive pay of Rs 500 plus special

pay or duty allowance of Rs 40) was allowed to him in respect of his substantive appointment as assistant to the Civil Surgeon. The question raised was how his emoluments should be calculated.

In the present case Dr A is not entitled to any pension in respect of his officiating appointment as Civil Surgeon. In calculating his pension in respect of his substantive appointment as Assistant to Civil Surgeon, his 'emoluments' should under rule 2 below Art 486 be taken to mean either (i) the emoluments which would be taken into account under Art 486 in respect of the appointment in which he officiated (*viz*, Rs 500 substantive pay plus Rs 100 acting allowance in a vacant post *i.e.*, Rs 600) or (ii) the emoluments which would have been taken into account under Art 486 had he remained in his substantive appointment (*viz*, Rs 500 substantive pay plus Rs 40 special pay or duty allowance *i.e.*, Rs 540) which ever is more favourable. The former (*viz*, Rs 600) is more favourable and should be taken into account in calculating his pension. The additional sum of Rs 108, which he received under Fundamental Rule 49 (b) being part of his substantive pay proper (and of duty allowance of Rs 40) for holding his substantive appointment cannot be treated either as connected with his officiating appointment or as 'duty allowance' for 'increase of work and responsibility' (under Art 23 C, C S R) either in his substantive or officiating appointment and it cannot consequently be taken into account in calculating his pension.

[Ar Genl's No 123 A/31-37 dated the 5th April 1937, Paragraph 300 of the India Supplement]

(9) In case where the condition of Art 486 (h) are fulfilled, the concessions of counting officiating allowances as emoluments for pension is admissible to Provincial Service Officers officiating in All India Services posts.

[Ar Genl's endt No 431 A/186-41, dated the 14th November, 1940, Paragraph 295 of the India Supplement]

(10) Provincial Government servants who may be on deputation to the Government of India and hold only temporary posts (whether substantive or otherwise) are entitled to the benefit of Art 486(h) when the conditions in Art 89 are fulfilled *i.e.*, when they do not retain connection with permanent posts and are absent for 3 years. Auditor General concurred.

[G I F D No F 13(5) Est. V/47 dated the 29th November, 1947]

(11) 'Duty allowance' whether drawn by a permanent officer or by an officiating government servant can be unconditionally included in the calculation of average emoluments for pension in as much as Art 486(j) makes no distinction between the duty allowance drawn by a permanent officer and that drawn by an officiating incumbent.

[Ar Genl's letter No 394-A/117 24, dated the 5th June, 1924, Paragraph 305 of the India Supplement]

(12) The concession of counting for pension the 'duty allowance' attached to the Government servant's substantive post while he holds

a temporary post, and the similar concession in the case of the holders of an officiating post are not covered by the existing rules in the C S R, and would require the sanction of the authority competent to frame rules in this behalf i.e., the Secretary of State in Council in the case of members of the All-India Services and Local Governments in other cases

[C.C.A.'s letter No 35-A/233-30 dated the 5th February, 1931]

(13) Duty allowances and deputation (duty) allowance should count for purpose of pension as part of an officer's emoluments during long leave if there is no doubt that he would have drawn the allowance had he remained on duty and the Head of Department makes a declaration to that effect

[C.C.A.'s letter No 103-A 59/31, dated the 8th April, 1931 Paragraph 293 of the India Supplement]

(14) The special pay of the nature of duty allowance or deputation (duty) allowance should count towards pension in respect of all leave with allowances whether on average pay or otherwise provided there is no doubt that the officer would have drawn the special pay had he remained on duty and the Head of the Department makes a declaration to that effect

[Ar. Genl's letter No 193 A/62 36, dated the 17th April, 1936 Paragraph 318 of the Punjab Manual]

(15) The increased remunerations of all officers whose appointments are made provisionally substantive in the resulting chain of vacancies caused by the suspension of the lien of (i) Superintendents, Accountants and clerks who have been deputed from the various Civil and Railway Account offices to the Military Accounts Department, and (ii) of members of subordinate accounts and clerical service of the Military Accounts Department who before the 1st April, 1919 proceeded on deputation, or resumed charge of temporary appointments, in connection with war, should be reckoned as part of average emoluments, in calculating average emoluments, for the purpose of working out pension as decided in G I F D, No 1098 C S R, dated the 18th December, 1918

Similarly the increased remuneration of the officers who proceeded on deputation will count, under Art 490 C S R., for pension, but officers in temporary appointments will only be allowed this benefit if the temporary appointment was not of like character to existing appointments in which case the increase of remuneration ranks as a deputation allowance for the purpose of Art 486(i) read with Art. 76(c) C S R

[Ar. Genl's letter No 2843 E/1032 20, dated the 14th September, 1920, Paragraph 307 of the Punjab Manual]

(16) The permanent Accountants and Clerks of the Civil and Military Accounts Departments who were or are employed in the office of the Controller of War Accounts should for the purposes referred to in the above order be viewed as having held or holding appointments which are not of like character to their permanent appointments and that the increased remuneration drawn by them

in the above appointments should accordingly be reckoned as part of their average emoluments for pension

[Ar Genl's letter No 2843 E/1032-20 dated the 14th September, 1920, Paragraph 308 of the Punjab Manual]

(17) The difference between permanent pay and the pay plus deputation allowance drawn by civil clerks during their deputation under the terms of Army Department letter No 9242 dated the 1st September 1916, will be considered as a deputation (duty) allowance and will be included in the calculation of average emoluments under Arts 486 and 487 C S R.

[Ar Genl's letter No 421 A and A/492 17, Paragraph 322 of the Punjab Manual]

(18) Special pay granted on account of unhealthiness of locality under F R 9(25) (c) should be classed as duty allowance for purpose of Art 486(j). The special pay drawn by a Government servant while officiating counts for pension. It applies to officers retiring on or after the 10th March, 1924.

[Ar Genl's letter No 311 A/236-29 dated 29th November 1923 Paragraph 316 of the Punjab Manual]

(19) An officer holding a permanent post who is appointed to officiate in a temporary post of the class falling under Art 76B C S R to which a daily allowance is attached, should count it towards pension.

[C C A's letter No 83 A/236 29 dated the 6th February, 1930, Paragraph 315 of the Punjab Manual]

(20) In a case where cadre posts (some of which carry special pay) are involved, the question which post should be considered as the substantive post in which the officer would have remained if he had not been appointed to officiate elsewhere is one which can only be decided by the competent authority with reference to actual facts, irrespective of the substantive post actually held immediately before the officiating appointment and irrespective of whether the officer is actually allowed a lien on a particular post or on a post in the cadre. For the purpose of Rule 2 (b) under this Article, a declaration from the competent authority in such cases specifying the substantive appointment in which an officer would have remained if he had not been appointed to officiate elsewhere will be accepted in audit.

[Ar Genl's No 21 A/8-39 dated the 13th January, 1939, Paragraph 283 of the India Supplement]

(21) In the case of a Government servant who has been granted leave preparatory to retirement under the Fundamental Rules or 'refused leave', after the date of compulsory retirement under F R 86, and who during the currency of the leave on average pay not exceeding four months or the first four months of any period of leave on average pay exceeding four months earns an increment which is not withheld, the Government servant is entitled to count the pay which he would have drawn had he remained on duty as 'emoluments' for the purpose of calculation of death-cum-retirement

gratuity under sub-paragraph (5) of paragraph 3 in Section II of the Liberalised Pension Rules, even though the increase in pay is not actually drawn during leave under the Fundamental Rules corresponding to privilege leave

[Para 27 Sec III of the Manual of Audit Instructions]

486A.—In respect of officers retiring from service on or after 22nd April, 1960, the term 'emoluments' when used in this Part of the Regulations means the emoluments which the officer was receiving immediately before his retirement and includes—

(a) substantive pay in respect of a permanent post other than a tenure post, held in a substantive capacity ;

(b) personal allowance which is granted in lieu of loss of substantive pay in respect of a permanent post other than a tenure post ;

(c) fees or commission if they are authorised emoluments of an appointment and are in addition to pay (in this case, 'emoluments' means the average earning for the last six months of service) ;

(d) special pay attached to a permanent post, when the special pay has been sanctioned permanently and the post is held in a substantive capacity ;

(e) same as otherwise provided in Art. 486B, one half of :

(i) the difference between the substantive pay and the pay actually drawn in higher officiating or temporary appointments ;

(ii) special pay other than that referred to in clause (d) above ;

(iii) pay drawn in temporary or officiating appointments ;

(iv) personal allowance other than that referred to in clause (b) above ;

(v) the difference between the substantive pay actually drawn in higher tenure appointments(s) whether held in substantive or officiating capacity, provided that service in the tenure appointment(s) does not qualify for the grant of a special additional pension.

NOTE 1.—[If immediately before his retirement or death, an officer has been absent from duty on leave with allowances his emoluments for the purpose of calculating service gratuity and/or death-cum retirement gratuity should be taken at what they would have been had he not been absent from duty]

Provided that the amount of gratuity is not increased on account of increase in pay not actually drawn and that benefit of higher officiating or temporary pay is given only if it is certified that he would have continued to hold the higher officiating or temporary appointment but for his proceeding on leave]

NOTE 2.—[In cases where a Government servant in *quasi*-permanent service is appointed substantively to a permanent post any time during the last three years of his service, the emoluments drawn by him in *quasi* permanent capacity during the period he was not holding a permanent post shall be treated as if drawn in a permanent post held in substantive capacity]

[G.I.M F., Notification No F 28(40)-EV/60, dated the 26th October, 1960]

## GOVERNMENT OF INDIA'S ORDERS

(1) A doubt has been raised to whether it is permissible to reckon qualifying service as well as emoluments under the revised rules and calculate pension gratuity at the old rates and vice versa. It is accordingly clarified that in respect of persons who retired on or after the 1st November 1959 but before the 22nd April 1960 qualifying service emoluments for pension as well as the rate of pension/gratuity and death-cum retirement gratuity will be reckoned either according to the relevant pension rules as they stood on the date of their retirement or under the provisions of the rules as they stand amended with effect from the 22nd April 1960 whichever is more favourable to them.

[G I M F No F 39(9) EV/60 dated the 20th March 1961]

'2) See G I Orders Nos (15) (17) (18) (19) and (20) below Art 486

(3) Doubts have been raised about the exact intention of clause (d) in this Article. It has been decided that special pay can count in full for pension under the said clause if

(i) the special pay has been sanctioned permanently *i.e.* without limit of time

(ii) drawn in a permanent post which is held by the individual concerned in a substantive capacity

When certain posts in a cadre have special pay attached to them permanently it will count in full for pension if the holder of a post to which special pay is attached is permanent in that cadre

[G I M F No F 8(22) EV/(c)/61 dated the 4th November 1961]

(4) *Counting of personal pay for pension* While fixing the scale of a post sometimes a special pay is attached to an existing scale so as to avoid multiplicity of time scales. When such a post is held by a Government servant in a substantive capacity the special pay for all purposes forms part of his substantive pay. Accordingly personal pay granted in lieu of loss of special pay of this kind due to revision of scale of pay etc. should be treated as personal pay granted in lieu of loss of substantive pay for the purpose of clause (b) of Article 486A of the Civil Service Regulations if the post in question was held in substantive capacity.

[G I M F O M No F 8 (13) EV (C)/62 dated the 16th June 1962]

(5) With reference to sub-clause (i) of clause (e) of Art 486A and Note 1 thereunder a doubt has been felt about the benefit for pension and gratuity of the officiating or temporary pay for periods of leave in respect of which it is certified that the Government servant concerned would have held in an officiating or temporary capacity a post different from the one from which he went on leave. It is clarified that in such cases the officiating or temporary pay should be reckoned with reference to the post which the officer held

immediately before going on leave or the post which he would have held but for proceeding on leave, whichever of the two posts is *lower*.

[G I, M F, O M. No F. 8 (10)-EV (C)/62 dated the 8th June, 1962]

**486B. (1)** If an officer holding a permanent post in substantive capacity—

(a) officiates in a higher permanent post (other than a tenure post) or holds a higher temporary post (other than a tenure post) borne on a cadre which includes permanent posts on the same time scale as the temporary post, continuously for not less than three years, and retires or dies while so officiating or holding the higher post, or

(b) is confirmed in such higher permanent post at any time during the last three years of his service after having officiated in that post continuously for three years or more, his emoluments for pension in respect of the higher post for any period beyond three years' continuous service in that post shall be determined under Article 486A as if he held, in substantive capacity, a permanent post on a time scale identical with that of the higher post.

(2) For computing the length of continuous service in respect of the higher post under clause (1), all kinds of leave, all periods during which an officer officiated in a permanent post or held a temporary post on identical or higher time scale, and the time spent on deputation and foreign service shall be included, provided that it is certified that but for his proceeding on leave or serving in other post (s) or going on deputation or foreign service, as the case may be, the officer concerned would have officiated in or held the higher post.

[G I, M F, Notification No F. 8 (43)-EV (C)/61 dated the 1st September, 1962]

**487.** The term "Average Emoluments" means the average calculated upon the last three years of service.

1 If, during the last three years of his service, an officer has been absent from duty on leave with allowances, or having been suspended, has been reinstated without forfeiture of service, his emoluments, for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent from duty or suspended. Provided always (a) that except as provided in Rule IA, his pension must not be increased on account of increase in pay not actually drawn and (b) that an officer will not during leave be allowed to count as emoluments the *sub protem* allowances, or the allowances drawn by him in an officiating capacity in an office which is substantially vacant, which he would have been entitled to so count under Art 486(h) had he remained on duty, if another officer has been appointed *sub protem*, to the same appointment during the period of such leave. But if his absence on Departmental or Recess leave is reckoned as service under Art 409, only the allowances, if any, actually received during such leave should be taken into account.

NOTE 1.—The effect of proviso (b) to this rule is that in the event of an officer proceeding on leave with allowances from his *sub protem* or officiating appointment, the *sub protem* or officiating allowances will count as “*emoluments*” for pension for the period of leave to the extent indicated below :—

(i) If no other officer is appointed in the resulting vacancy, the *sub protem* or officiating allowances that would have been reckoned as “*emoluments*” but for the officer proceeding on leave, for the entire period of such leave with allowances ;

(ii) If another officer is appointed in the leave vacancy, the *sub protem* or officiating allowances that would have been reckoned as “*emoluments*” but for the officer proceeding on leave, for the period of privilege leave or leave on average pay for the first four months only, as the case may be, provided that the officer retains a lien superior to that of his *locum tenens* on the post which he was holding before proceeding on such leave

NOTE 2.—The proviso (b) to rule 1 and Note 1 above are not applicable to officers who retire on or after the 22nd April, 1960

1A. In the case of an officer who, while on leave preparatory to retirement, is confirmed in the higher post which he held in an officiating or temporary capacity before proceeding on such leave, his substantive *emoluments* in the higher post which he would have drawn had he been on duty, shall be taken into account for the purpose of calculation of average *emoluments*

2. If, during the last three years of his service, an officer has been absent from duty on leave without allowances (not counting for pension) or in inferior service, or suspended under such circumstances, that the period of suspension does not count as service, the periods so passed should be disregarded in the calculation of the average, an equal period before the three years being included

2 A In the case of a Military officer, departmental officer, warrant or non-Commissioned Officer or soldier who was in civil employ on 7th June, 1937, and was or may be granted a pension under military rules on or after 30th May, 1933, and whose pay has been reduced under Clause (b) of Article 526, *emoluments* for the purpose of ascertaining the average shall be taken at what they would have been had the pay not been reduced

3 Excepting as provided in rules 1, 2 and 2A only *emoluments* actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not reckoned in the calculations

4 In the case of Section writers whose service has been allowed to count for pension under special orders of the Government of India, and of press servants whose service qualifies under Art 380, “Average *Emoluments*” means the average earnings of the last seventy two months in Superior service

NOTE 1 —[This rule applies in the case of a Press servant remunerated by fixed rate of pay if his pay is met from the grant for piece work ]

NOTE 2 —[Overtime earnings of Press servants paid at piece-work rate may be taken into account in calculating “Average *Emoluments*” under this rule, but such earnings must be excluded in reckoning the Average *Emoluments* of Press employees who draw pay at fixed rates ]

NOTE 3 —[If during the last 72 months of service a Press servant has been for some period on fixed pay and for other periods a piece work employee, overtime earnings may be taken into account in calculating pension only for the periods during which he was remunerated at piece-work rates ]

5 The “Average *Emoluments*” of a telegraph messenger paid on the task-work system shall be deemed to be the average amount of subsistence allowance and the task-work earnings drawn by him during the last three years of service before discharge or retirement



## GOVERNMENT OF INDIA'S ORDERS

*Interpretation of service.*

(1) The term "service" as used in the 2nd line of this Article means qualifying service

[L S P R 23 dated the 19th March, 1907, Paragraph 317 of the India Supplement]

(2) The term "Pay" in this Article does not include leave allowances

[L S P R 523 dated the 11th September 1902, Paragraph 321 of the India Supplement]

*Increment during foreign service*

(3) The actual pay on which contribution was paid during the last 3 years of his service should be taken in finding out average emoluments. No increment on which contribution was not paid should be taken into account

[L S P R 151 dated the 1st October, 1907, Paragraph 316 of the India Supplement]

*Reduction during leave in last 3 years*

(4) The "Average emoluments" of an officer reduced while on leave during the last 3 years of his service, should be calculated at the reduced rate

[I S P R 1502 dated the 24th March 1905, Paragraph 314 of the India Supplement]

*Reduction of pay while on leave*

(5) In the case of a man reduced while on leave and transferred to his old office, his pay for average emoluments will be the pay which he would have drawn had he not been on leave from the date on which permanent arrangements were made in his new office

[L S P R —234 dated the 18th March 1907, Paragraph 318 of the India Supplement]

(6) An officer's pension depends on his monthly substantive pay, and the additional remuneration drawn by a Provincial Service Officer officiating in a superior ICS post being of the nature of acting allowance cannot be treated as substantive pay

[G I F D No 168 E A dated the 13th January 1922]

*Emoluments drawn by an officer in a quasi permanent capacity count for purposes of average emoluments*

(7) Where a Government servant in quasi permanent service is appointed substantively to a permanent post the "emoluments" drawn by him in a quasi permanent capacity during a portion of the last three years of his service should be treated as if drawn in a substantive capacity and taken into account for the purpose of calculating his "average emoluments"

[G I M F, No 12 (44) EV/58 dated the 18th December 1958]

These orders also apply to cases of retirement prior to the 18th

December, 1958, but cases already decided otherwise should not be re-opened

[G I M F No 12 (44) EV/58 dated the 21st March 1959]

*Officiating pay drawn in a temporary post does not count for pension*

(8) *Officiating pay drawn in a temporary post does not count for pension*

[G I M F U O No D 4187—EV/48 dated the 7th July 1948]

*Wrongful reversions*

(9) In the case of wrongful reversion where on re promotion the pay of the individual is fixed in accordance with the instructions of G I M A No 9/49/54 R P S dated the 24th April 1958 the pay which an individual would have drawn but for his reversion should be taken into account for the purpose of pension

[G I M H A , No 50/6 59 Est (A) dated the 5th December 1959]

*Leave with allowances*

(10) Furlough or other leave which but for the operation of Articles 147 (iii) and 335 of the C S R would have carried leave allowances is leave with allowances for the purpose of the rules under Article 487 C S R whether such leave actually carried leave allowances or not

[Paragraph 335 of the Punjab Manual]

*Promotion during privilege leave*

(11) When promotion is given or increase of pay is allowed and paid to an officer during the privilege portion of combined leave the average emoluments should be calculated on his increased rate

[Paragraph 315 of the India Supplement]

*Re-employment during refused leave*

(12) A Government servant consumed his refused leave concurring with the period of his re-employment but his leave salary was by an executive order restricted to the amount of his anticipated pension. It was decided that for the purpose of Rule 1 below this Article read with Art 261 C S R he should be deemed to have been on actual duty for the period of refused leave and the increment which fell due within the period of refused privilege leave should count for increase in pay for the purpose of pension

As the grant of refused leave after the date of compulsory retirement carries with it extension of service and the Government servant holds a lien on his post during such leave it will be incorrect to say that his service terminated on his re employment when he was actually on refused leave preparatory to retirement

[G I M F U O No D 3465 EV/58 dated the 1st May 1953]

(13) Consequent on the promulgation of C C S (Revised Pay) Rules, 1960, a doubt has been raised whether in the case of persons who while on leave preparatory to retirement opt for or are brought on to the Revised Scales of pay, the increase in pay, if any, which accrues during the currency of such leave may be taken into account for purposes of calculating the pension/gratuity etc. Under Rule 1 below this Article if, during the last three years of his service, an officer has been absent from duty on leave with allowances, his emoluments for the purpose of ascertaining the average emoluments, are to be taken at what they would have been had he not been absent from duty. Proviso (a) to that rule, however, lays down that the pension must not be increased on account of increase in pay not actually drawn. Therefore, strictly speaking the increase in pay during leave preparatory to retirement in the circumstances explained above should not be taken into account for purposes of pension. However, Auditor General's order No (2) below this Article permits counting of increase in pay not actually drawn for calculation of average emoluments under this Article if such increase occurs during the first four months of leave on average pay. A similar position exists in so far as arriving at emoluments for purposes of gratuity/Death-cum retirement gratuity is concerned. It is clarified that the increase in pay consequent on refixation of pay in the revised scale of pay may be allowed for calculation of average emoluments under Art 487 for purposes of pension or for arriving at emoluments for purposes of calculating gratuity/death-cum-retirement gratuity in case of persons who were on leave preparatory to retirement on the date of their coming over to the revised scales of pay where such increase actually occurs from a date during the first four months of leave on average pay or the first 120 days of earned leave.

[G I M F No F 28 (52) EV/60 dated the 28th December 1960]

NOTE—The benefit of counting increase in pay due to refixation of pay in the revised scales of pay shall also be admissible to persons who were on leave (other than preparatory to retirement) on the day such increase accrued to them to the same extent as provided in above decision.

[G I M F No F 8(9) EV(C)/62, dated the 14th June 1962]

*Subprotem appointment during last 3 years*

(14) An officer who goes on long leave within three years of his retirement while holding a *sub protem* appointment and the *sub protem* appointment held by him is given to some other person, pension may be calculated on the basis of *sub protem* emoluments provided the Provincial Government or any other subordinate authority empowered to make the *sub protem* appointment declares that had the officer not gone on long leave, he would have held the *sub protem* appointment in preference to the subordinate actually appointed and to any other person.

[G I F D letter No 755 C.S.R. dated the 6th November, 1912, Paragraph 337 of the Punjab Manual]

*If invalided while on long leave, leave is taken into account in calculating average emoluments*

(15) In the case of an officer who has submitted a medical certificate of incapacity for further service while on leave other than privilege leave, the period of leave up to the date of its termination when that is later than the date of the medical certificate should be taken into account for the purpose of calculating average emoluments

[G I F D, No 5179 P, dated the 10th October, 1896, Paragraph 333 of the Punjab Manual]

*Employees of the Central Press.*

(16) The average emoluments of employees in the Central Press on fixed pay are calculated on fixed pay although they may have been paid at piece rates for some portion of their service, or their salaries and overtime allowances drawn in the same bill with the earnings of the establishment employed on the piece-rate work system

[G I F D, No 1744 P, dated the 24th April, 1893, Paragraph 284 of India Supplement]

NOTE —In the case of piece work employees of the Government of India presses a consolidated sum received by them on account of difference in class rates during the last 72 months of service represents their normal earnings and should be taken into account in determining the average emoluments according to Rule 4 under this Art

[G I Dept of Labour, No-A 24/85 dated the 22nd December 1940, Note 1 under Paragraph 309 of India Supplement]

(17) The additional allowance of 25 or 50 p.c. of the ordinary rates granted to piece workers in the Government of India Presses for overtime work or work done on closed holidays or Sundays earned up to and including the 10th November, 1940, may be included in calculating the average emoluments for the purpose of pension but not after this date

[G I Labour Dept, letter No A-24, dated the 25th March 1941, Paragraph 310 of the India Supplement]

*Piece Work Employees*

(18) In the case of piece-work employees in press establishments, the calculation of average emoluments should be made in the following manner —

1 When an officer is remunerated at different times during last three years of his service by fixed pay and piece rates, average emoluments should be calculated on the 72 months' service according to Rule 4 under Article 487 C S R.

2 When a piece-work employee retires on a date other than the first day of a month, average emoluments should be calculated on the earnings of the last 72 complete months ending on the last day of the month immediately preceding that on which the officer retires, the 'month' referred to above being not necessarily the calendar month, but the month for which the accounts of piece-worker's earnings are made out, namely from one date in a calendar month to the corresponding date of the next calendar month

3 When leave without allowances or suspension occurs an equal period of qualifying service rendered immediately before the period should be taken into account in accordance with the principle laid down in Rule 2 below this Article

[G I F D, No 7479 P dated the 10 h December 1903 ]

4 In the case of compositor on the piece-work establishment who drew during the last 72 months of his service fixed salary while officiating (i) in privilege leave vacancies for 2 months and 10 days and (ii) in appointments which were substantively vacant for 6 months 10 days, it was decided (a) that as he was not appointed provisionally *sub protem*, the allowance drawn in the substantive vacancies should not be taken into account, and (b) that his piece-work earning during the last 72 months of his service should be divided by  $63\frac{1}{2}$  months, the period during which he was remunerated at piece work rates, the total officiating service of  $8\frac{1}{2}$  months of fixed pay being disregarded

[G I F D, No 5862-P dated the 21st October 1908, Paragraph 334 of the Punjab Manual ]

The earnings of the second half of the last month shown as earning for one month after the date of retirement should be rejected, the piece workers' month being the 16th of one month to 15th of the next

[L S P R 110 dated the 16th August, 1907, Paragraph 326 of the India Supplement ]

(19) In the case of a piece-worker leave without pay in this rule means only sanctioned periods of leave and not casual absences without allowances

[L S P R 160 dated the 28th October 1908, Paragraph 325 of the India Supplement ]

(20) The average earnings of an inferior servant should be calculated on earnings received by him during the last six months in inferior service and not upon the arrears received by him while he was on leave without pay

[L S P R 177, dated the 19th November, 1906 Paragraph 304 of the India Supplement ]

#### *Non superior officers transferred to Foreign service*

(21) The Government of India have decided that the non-superior officers transferred to foreign service before the 5th September, 1928, are entitled, under old F R 116, to get the benefit of their foreign service pay sanctioned prior to 5-9-1928, even though their period of foreign service may have been extended on or after that date To avoid any further misapprehensions in the matter, the position may be made clear by means of a concrete illustration as follow —

A was transferred to foreign service in 1925 and his original term of foreign service, was—1-7-1925 to 30-6-1928

His period of foreign service was extended—1-7-1928 to 30-6-1930

He proceeded on leave from his foreign service post—1-4-1930

He resumed duty under Government on the expiry of leave—1-12-1930

His period of foreign service was further extended to cover the portion of leave which was not covered by the existing extension—1-7-1930 to 30-11-1930

He retired from Government service—1-2-1931

In calculating his average emoluments for purposes of pension, his pay for the period of three years immediately preceding the date of his retirement, i.e. for the period from 1-2-1928 to 31-1-1931, would be made up of his foreign service pay for the period from 1-2-1928 to 30-6-1930, and of his pay under Government for the period from 1-7-1930 to 31-1-1931. It may be added that in no case is the benefit of foreign service pay to be allowed in respect of an extension of the period of foreign service sanctioned on or after 5-9-1928, whether for purposes of leave or active service under the foreign employer.

It has been further decided that if in any case pension has been calculated on a basis different from that described above steps should be taken (if the Governor in Council sees no objection) to have it recalculated, and that if any officers are in receipt of pensions in excess of those now found to be admissible to them the recovery of excess amounts already drawn by them should be waived.

[G.I.F.D. No 1 (26) R. 1/33 dated the 15th January, 1934, Paragraph 338 of the Punjab Manual]

#### *Piece rate press employee on foreign service.*

(22) A certain piece rate press employee was on Military duty and foreign service within the last 72 months of his service. The class pay drawn by the man prior to his transfer was accepted as his assumed pay on which pension contribution during the foreign service was realised. As by the application of this method, the man was a greater loser in respect of his pension, the question as to how the average emoluments of the officer should be determined was referred to the Government of India. It was decided that the man's average earnings (inclusive of overtime earnings) for the 6 months immediately prior to his transfer from the regular service should be taken as his emoluments for the period of his Military duty. This amount also be regarded as his assumed pay for the period during which he was on foreign service.

[G.I. & L. No A 348 dated the 18th July, 1927, Paragraph 322 of the India Supplement]

#### *Imprisonment*

(23) The period of imprisonment should be treated as one of suspension (either qualifying or non qualifying service according to circumstances) in the calculation of average emoluments.

[L.S.P.R.—185, dated the 24th November, 1908, Paragraph 324 of the India Supplement]

*Calculation of commission in average emoluments*

(24) In the calculation of average emoluments of an officer drawing Commission who was deputed to temporary duty for some time during the last 3 years of his service and drew pay, the Commission earned by him during three years should be divided by the period for which he was in his substantive appointment during those years, the period of deputation being disregarded

[G I F D No 3090-P, dated the 24th May 1907, Paragraph 336 of the Punjab Manual ]

*Benefit of ad hoc increase of Rs 5 to personnel on leave preparatory to retirement.*

(25) A question has been raised whether the benefit of *ad hoc* increase of Rs 5 can be allowed to personnel who were on leave preparatory to retirement on the crucial date *viz*, the 1st August, 1956 Under Auditor General's order No 2 below this Article it is permissible to take into account increase in pay which occur during the first four months of leave on average pay The Government of India have, therefore, been pleased to decide that the benefit of *ad hoc* increase may be allowed to the staff who were on leave preparatory to retirement on the crucial date and in whose case the increase will occur within the first four months of leave on average pay

[G I M F, No F 4(4) E III/56, dated the 24th April 1956 ]

NOTE.—[Orders regarding Dearness Allowance are given below Article 486 ]

(26) *Counting of emoluments drawn by officers while on deputation from State Governments to the Government of India and vice versa for the purpose of pension*—When a State Government employee comes on deputation to the Central Government, he is generally granted a deputation special pay in addition to his usual pay Till lately the question whether any part of this deputation special pay could be reckoned as 'emoluments' for calculating pension used to be decided by the Central Government with reference to their rules on the subject Recently this practice was reviewed by the Government of India in consultation with the Comptroller and Auditor General and the State Governments It was held that since a State Government's employee, while on temporary deputation to the Central Government, did not become subject to the rules and orders of the latter Government and his pension was otherwise calculated under the rules of the State Government of which he was a permanent employee the practice of applying Central Government rules to determine the quantum of the deputation special pay which should count for pension was incongruous It has therefore been decided that henceforth in cases of deputation of State Government employees to the Central Government, the question whether any part of the deputation special pay received by such an employee will count for pension will be decided by the State Government concerned with reference to their own rules on the subject If for proper application of the State Government rules any question arises regarding the exact nature and

classification of the deputation special pay, the State Government will consult the Central Government who alone would be aware of the precise reasons for which the additional remuneration was granted. Similarly when a State Government employee on deputation to the Central Government holds a temporary or officiating appointment on a regular time-scale, the question whether any part of the difference between the pay, which he actually draws while on deputation and that which he would have drawn from the State Government but for his deputation, should count for pension, will be decided, by the State Government with reference to their pension rules.

The same arrangement will apply in reverse in the case of Central Government employees who are sent on deputation to State Governments.

Past cases in which the question of counting additional emoluments received during deputation has not yet been decided will also be settled in accordance with the above instructions.

2. Allocation of pensionary liability between the Central Government and State Governments in these cases will be made in accordance with the rules of incidence laid down in Section IV of Appendix 3 to Account Code, Volume I, as is already being done generally.

3. The above instructions will not apply in cases of officers on deputation to the Central Government from the States of Jammu & Kashmir and Punjab or *vice versa*.

The Jammu and Kashmir Government's arrangement in cases of deputation from and to that Government is different from that of other Governments. They pay or recover leave and pension contributions monthly, as the case may be, and thus the pensionary liability of the borrowing Government is discharged concurrently.

The Punjab Government have not agreed to the above arrangement. Accordingly in cases of deputation to and from that Government, questions relating to counting of additional remuneration received during period of deputation for pension, and sharing of additional pensionary liability between the two Governments should be settled beforehand in each case.

[G.I., M.F., O.M. No. F. 8 (5) EV (C)/61 dated the 2nd July, 1962.]

## AUDITOR GENERAL'S ORDERS.

(1) For purposes of calculation of "average emoluments" an increase of pay which took effect during the currency of privilege leave combined with furlough during the last three years of service, and was actually drawn by a Government servant as part of his privilege leave allowances under Article 60 is not an "increase in pay not actually drawn" within the meaning of proviso (a) to Rule 1 under this Article. The rate of pay during furlough portion to be taken into account for the calculation of "average emoluments" would be



what the Government servant would have drawn had he been on duty *i.e.*, the increased rate of pay drawn during the privilege leave portion of the combined leave

[Paragraph 319 of the India Supplement]

(2) The principle underlying the above order applies in the case of a Government servant who takes leave under the Fundamental Rules during the last three years of his service and who during the currency of the leave on average pay not exceeding four months or the first four months of any period of leave on average pay exceeding four months is promoted in a substantive or provisionally substantive capacity to a post carrying a higher rate of pay or earns an increment which is not withheld. In such a case the Government servant is entitled in respect of the period of his leave to count the pay which he would have drawn had he remained on duty as 'emoluments' for the purpose of this Article, even though the increase in pay due to promotion or increment is not actually drawn during leave under the Fundamental Rules corresponding to privilege leave.

[Paragraph 319 of the India Supplement]

(3) The above principle will also apply to cases of earned leave not exceeding 120 days in any one spell

[G I M F U O No 589/EV/55, dated the 29th June, 1955]

(4) The interpretation given in order (2) above will have effect from the 15th July, 1938. The effect need not be given to the new interpretation in cases in which a wrong interpretation has already been adopted before the date of effect of the new interpretation. It has also been decided that in view of Art 4 C S R, all increments which fell due and were not withheld during the currency of leave on A P corresponding to P L taken within the last 3 years of an officer's service should be taken into account, and not only such increments as fell due after the date of effect of the interpretation

[Ar Genl's letter No 549-1/K W 38, dated the 10th December 1938, Paragraph 319 of the India Supplement]

(5) The proviso (a) under Rule 1 in this Article means that benefit should not be given of increments actually accrued but not drawn during leave

[Ar Genl's letter No 1007/289A 25 dated the 22nd September, 1925, Paragraph 329 of the Punjab Manual]

(6) In the case of a piece work employee where leave with allowances occurs during the last 72 months of service the principle of Rule 1 under Article 487, C S R should be applied in calculating his "average emoluments" for pension, and his wages or "earnings" at full class rates may be taken into account for the period of leave on average pay and half average pay for this purpose

[C C A No T 1071 A 52 31 dated the 8th September, 1931, Paragraph 311 of the India Supplement]

(7) (i) For the purpose of calculating ordinary civil pension or gratuity in the case of a civil officer who has been employed on military duty in connection with the war, his 'emoluments' during

such service should be taken to be those he would have drawn from time to time if he had remained in civil employ.

The calculations should be made according to the 'next below' rule where applicable and when that rule is not applicable, it should be based on the pay, including allowances, if any, mentioned in Article 486 C S R which he would have drawn from time to time prior to retirement in the appointment on which he had a lien

[G I F D 150/151 C S R, dated the 11th February, 1920, Paragraph 325 of the Punjab Manual]

(ii) In the above cases the average emoluments for pension should be calculated on the basis of pay drawn in the Civil and Military Department during the last 3 years of service and the break, if any, between the Military Service and the Civil Service should be disregarded and an equal period before the 3 years should be included on the analogy of Rule 2 under Article 487 C S R

[C C A s letter No 43 A/252/31, dated 8/10th February 1932, Paragraph 326 of the Punjab Manual]

(8) In the case of a seasonal establishment, for the purpose of calculation of average emoluments for pension, the whole of the last 3 years of service including the periods which count but during which no emoluments were drawn should enter into calculation and not merely the periods during which emoluments were drawn. The emoluments that should be taken into account should under Rule 3 of this Article be those actually drawn during the period

[Ar Genl s U O No 189 A/57-44, dated the 1st May, 1944]

(9) In the case of an inferior Government servant governed by the Central Subordinate (Inferior) services (Gratuity, Pension and Retirement) Rules, who takes leave preparatory to retirement, the principle underlying the instructions contained in order No 2 above, should be followed in determining for the purposes of Rule 7 of these rules, the monthly substantive pay which he would have drawn

[G I F D No F 6 (77) R II/33 dated the 12th January, 1939, Paragraph 319 of the India Supplement]

NOTE —(This order has been included here for the sake of convenience)

(10) Periods of joining time which fall within the last three years of a Government servant's service should form part of the three years for the purpose of "average emoluments"

In case of joining time falling under clauses (a) and (c) of F R 107, where the pay of a particular post is drawn, the actual "emoluments" (not the actual joining time allowance) drawn should be taken for the purpose of average emoluments. In cases of joining time falling under clause (b) (ii) of F R 107 during which leave salary is drawn, and in cases falling under clause (b) (i) of and Note 2 to F R 107, during which no pay or leave-salary is drawn, the pay (i.e., emoluments) which would have been drawn (but for a rule or order not allowing it (if the Government servant had not been on joining

time, should be taken into account in the calculation of "average emoluments"

[Ar Genl's letter No 110-A/102 34 dated the 27th July, 1934 Paragraph 327 of the India Supplement]

(11) The Sterling Overseas Pay should be converted into rupees at the uniform rate of exchange of 1s 6d to the rupee with effect from the 17th January, 1928 and the entire pension should be fixed in rupees w e f the 1st April, 1924

[Paragraph 327 of the Punjab Manual]

(12) The Accountant General Punjab has decided that the different periods of leave without pay falling within the last 3 years should be taken collectively as one spell of leave and an equivalent period should be calculated before the 3 years in accordance with Article 18 C S R as illustrated below —

Periods of leave without pay —

(1) 14th February 1930 to 11th May 1930	0 2 28
(2) 24th December 1930 to 5th January 1931	0 0 13
(3) 15th February 1931 to 12th March 1931	0 0 26
	<hr/> 0 4 7

The actual period of the last three years of service is from 3rd March 1929 to 2nd March 1932. For purposes of average emoluments for pension the period from 24th October 1928 to 2nd March 1929 i e, 4 months and 7 days will be taken into account in lieu of the period of leave without pay shown above

[Paragraph 332 of the Punjab Manual]

(13) For the period of leave granted under F R 86 the emoluments an individual would have drawn had he remained on duty should be treated as emoluments for the purpose of this Article

[Ar Genl's letter No 261 A/25 28 dated the 22nd July 1948]

(14) Special pay granted for holding charge of an office for which there is a sanctioned appointment (e g, an Assistant Accounts Officer holding the charge of the office in the absence of the Comptroller on leave) is analogous to charge allowance and does not therefore count for pension

[Ar Genl's U O No 652 A/238-43 dated the 8th December, 1943 Paragraph 301 of the Ind a Supplement]

487A. In the case of a Government servant who quits service on superannuation retiring, invalid or compensation pension or invalid or compensation gratuity and who during the period from 3rd September, 1939, to 31st December, 1947, holds or has held before retirement a permanent post in a provisionally substantive or officiating capacity, or a temporary post in a substantive or officiating capacity, where such post carries a rate of pay higher than his substantive pay, but the increase over substantive pay, does not count for pension or gratuity under Article 486 (h) C S R —

(i) His average emoluments for pension as calculated with reference to Arts 486 and 487 C S R. shall be increased —

either (a) by one-half of the difference between the average emoluments so calculated and the average emoluments which would result if each post or posts were permanent and he had held them substantively for the period of service rendered in the higher post or posts between the dates 3rd September 1939 and 31st December 1947; or

(b) by thirty-three and one-third percent; whichever is less.

(ii) if he is eligible only for gratuity calculated with reference to the provisions of Article 474 (a) of the C.S.R., the amount of gratuity shall be increased:—

either (a) by one-half of the difference between the amount so calculated and that which would have been taken into account if such post or posts were permanent and he had held them substantively for the period of service rendered in the higher post or posts between the dates 3rd September, 1939 and 31st December, 1947; or

(b) by thirty-three and one-third per cent; whichever is less.

(iii) During periods of leave with allowances taken by a Government servant while holding a temporary post substantively or while holding a permanent post in a provisionally substantive capacity, the emoluments which he would have drawn had he not proceeded on leave will be taken into account for the purpose of sub-paragraphs (i) and (ii) above, in all other cases the concession will not be applicable during the periods of leave.

In the case, however, of an officer governed by the Civil Service Regulations who held or will hold a lien, under Article 210, Civil Service Regulations, during the period of privilege leave on a post, permanent or temporary, in which he was officiating, the emoluments which he would have drawn had he not gone on such leave will be taken into account for this purpose.

(iv) The pension of Government servants who have already retired after 3rd September, 1939, shall be revised in accordance with the above formula, but the increased pension shall have effect only from 24th March, 1947, the date of promulgation of this amendment.

(v) Nothing contained in the formula set out above shall have the effect of modifying any of the existing rules which govern the counting of service qualifying for pension or the several maxima of pensions prescribed in the rules nor shall it affect any of the existing rules or orders relating to the special pay attached to temporary or permanent posts counting as emoluments for pension.

NOTE:—The concession admissible under this Article will apply to permanent Government servants who served in the Naval, Military or Air Force during the period 3rd September, 1939, to 31st December, 1947 and for the purpose of this Article such Government servant shall if he was actually in receipt of Military rates of pay during the said period, be deemed to have held an analogous post in the Civil Department on a rate of pay equal to the pay of this appointment/rank (including paid acting/temporary rank) including Indian Army allowance, corps pay, additional pay, charge pay, parachute pay and specialist pay.

#### GOVERNMENT OF INDIA'S ORDERS.

(1) Grade pay and good service pay are in the nature of pay and should be included in the expression pay of his appointment/rank

(including paid acting or temporary rank) including India Army allowance, Corps pay, additional pay, and special pay etc occurring in the above Note Grade pay has ceased to be admissible with effect from the 1st July, 1957.

[G I M F No F 15 (1) EV/53, dated the 15th January, 1953]

(2) If the substantive holder of a temporary post is appointed to officiate in a higher post and he proceeds on leave, the emoluments for pension during leave of which he 'availed himself of while officiating in the higher post will be calculated with reference to his substantive pay in respect of permanent post and not in respect of his temporary post

[G I M F U O No 8051/EV/49, dated the 29th November, 1949]

(3) The provisions of this Article are applicable to Government servants officiating in leave vacancies.

[G I M F U O No. 2542 EV/48, dated the 7th May, 1948]

(4) The average emoluments for pension calculated under this Article do not include the element of dearness allowance added in accordance with the G I M F No F. 13(7)-Est V/47 dated the 1st December, 1947. The element of dearness allowance should be treated separately and should not be taken into consideration for computing the increase under this Article

G I M F No. 14 (1) EV/49, dated the 17th January, 1949]

(5) Certain pensionary concessions were extended to Central Government servants who were in permanent pensionable service, and who held during last three years of their service, higher posts in a temporary or officiating capacity during the period from 3rd September, 1939, to 31st December, 1947, *vide* this Article. The Government of India have decided to extend these concessions for a period of ten years from the 1st January, 1948, to the same extent and on the same conditions, but subject to the following modifications —

(i) The concession will be admissible to a Government servant only if he had continuously officiated in a higher post or continuously held a higher temporary post during two complete years immediately before his retirement, or death

NOTE 1—[For the purpose of this clause, all kinds of leave taken during the last two years of service will be included in the two years period, if it is certified that the Government servant would have continued to hold the higher posts if he had not proceeded on leave]

NOTE 2—[In the case of a Government servant who, while continuously officiating in a higher post or holding a higher temporary post during the last two years before retirement is confirmed in that higher post the period after confirmation will be included in calculating the prescribed period of two years]

NOTE 3—[So long as a Government servant held a post higher than his substantive post for two complete years before retirement, it is not necessary that he should have held the same higher post throughout this period]

(ii) The pensions of those who retired between the 1st January 1948 and the 1st August 1952 will be recalculated on the basis of these orders, but no arrears will be paid

(iii) The concession will be admissible during all periods of leave, provided that Government servant concerned had continuously officiated in a higher post or continuously held a higher temporary post for two complete years immediately before proceeding on such leave, and it is certified that he would have continued to hold that post for the entire period if he had not proceeded on leave

2 When a Government servant is eligible for service gratuity only, or is eligible for a service gratuity or pension and a death cum retirement gratuity, the emoluments for the purpose of calculating these gratuities will also be increased in the manner prescribed in the clause (ii) of Article 487A, C S R. This increase will be allowed to Government servants who have retired even before the date of issue of these orders, if they are otherwise eligible for it, but the amount payable will be reduced in proportion to the period which has already elapsed since the Government servant's retirement. For this purpose, the monthly pension equivalent to the amount of increase will be calculated on the basis of the commutation table with reference to age next birthday after retirement, and a total sum at this rate deducted for the actual period that has elapsed between the date of retirement and the 1st August, 1952

[G I M F No F 15 (6) EV/52 dated the 28th July, 1952 ]

NOTE 1 —[The family pension and, or the death gratuity admissible to an officer who died while in service or within 5 years of his retirement in the interval between the 16th April 1950, and the 1st August 1952 should be re-calculated in accordance with this order, but the increased rate of family pension will be admissible only in respect of the period after the 31st July 1952 and the re-calculated death gratuity will be reduced in the manner contemplated in para 2 above

[G I M F No F 15 (6) EV/52 dated the 18th August, 1953 ]

NOTE 2 —[The restriction in sub para (iii) of para 1 above will apply only in regard to reckoning of pension. In the case however of gratuity (including death-cum retirement gratuity) which is based on 'emoluments and not on average emoluments' the restriction in that sub para will not apply. The gratuity will, therefore be based on emoluments which the officer would have drawn but for his proceeding on leave even though the Government servant may not have continuously officiated in higher post or continuously held higher temporary post for two complete years immediately before proceeding on leave ]

[G I M F No F 12 (10) Est V/55 dated the 17th June 1955 ]

NOTE 3 —[The concession embodied in this order shall be admissible also to such of the class IV Central Government servants as retired or may retire on or after the 1st August 1952. In other words the benefit of counting for pension a portion of the emoluments received in a higher temporary or officiating appointment by such servants shall be available to them subject to the other conditions in this order being fulfilled only in respect of such appointments held by them on or after the 1st August 1949 ]

[G I M F No F 15 (32) EV/53 dated the 16th December, 1953 ]

*Refer to Art 487AA*

(6) In the case of an officer who, while on leave preparatory to retirement is confirmed in the higher post which he held in an officiating or temporary capacity before proceeding on such leave his substantive emoluments in the higher post, which he would have drawn had he been on duty, shall be taken into account for the

purpose of calculation of average emoluments This amendment shall be deemed to have come into force on the 8th October, 1957

[G I M F No F 12 (3) EV/58 dated the 11th February 1958 ]

(7) Special pay other than that which is in the nature of deputation (local) allowance, will be treated as 'officiating pay' or 'pay drawn in a temporary post' for the purpose of this concession

[G I M F No 12(20) EV/54 dated the 28th October, 1954 ]

(8) In the case of an officer transferred to foreign service or deputed to service under a State Government, the concession in respect of any higher temporary or officiating post which he would have held had he not been so transferred on foreign service or been sent on deputation will be admissible provided that the Government servant concerned has received *pro forma* promotion under F R 113 or under the second proviso to F R 30 (1) as the case may be

[G I M F, No 15 (6) EV/52 dated the 22th October 1953 ]

#### AUDITOR GENERAL'S ORDERS.

(1) During the period of leave preparatory to retirement the concession will not be admissible if an officer did not actually officiate continuously in higher post for at least two years before going on leave

[Cr and Ar G letter No 1207 A 29 52 dated the 27th December, 1952 ]

(2) The special pay of Rs 30/ per month and of 20% of clerical pay allowed to unpassed clerks holding posts of S A S and Divisional Accountants respectively in the Indian Audit and Accounts Department should be treated to fall within the purview of the G I Order No 7 above and allowed to count towards pensions to the extent admissible under Arts 487A and 487B subject to the conditions mentioned in the above-mentioned order

These orders will have effect from the 28th October 1954

[Cr and Ar Genl's letter No 820 NGE 1/105 55 dated the 2nd May, 1955 ]

487B In the case of a Government servant who quits service on a superannuation, retiring, invalid or compensation pension or invalid or compensation gratuity and who during the period from 1st January, 1948, to 21st April, 1960 holds or has held before retirement a permanent post in a provisionally substantive or officiating capacity, or a temporary post in a substantive or officiating capacity where such post carries a rate of pay higher than this substantive pay, but the increase over substantive pay does not count for pension or gratuity under clause (b) of Article 486 of these Regulations —

(i) His average emoluments for pension as calculated with reference to Articles 486 and 487 shall be increased. —

either (a) by one-half of the difference between the average emoluments so calculated and the average emoluments which would result if such post or posts were permanent and he had held them substantively for the period of service rendered in the higher post or posts between the 1st January 1948 and 21st April, 1960,

or (b) by thirty three and one-third per cent, whichever is less

(ii) If he is eligible only for a gratuity calculated with reference to the provisions of clause (a) of Article 474 of these Regulations, the amount of gratuity shall be increased :—

either (a) by one-half of the difference between the amount so calculated and the amount which would have been arrived at as if such post or posts were permanent and he had held them substantively ;

or (b) by thirty-three and one-third per cent, whichever is less :

Provided that the increase referred to in clauses (i) and (ii) shall be allowed only to such Government servants as had held continuously a higher post or posts—

(a) for a period of not less than two complete years immediately before the date of his retirement, or

(b) for two or more spells during the last three years of his service, the last spell covering a period of two years or more, in which case the concession shall be admissible in respect of all the spells.

NOTE 1 —[For the purposes of clauses (i) and (ii) all kind of leave taken during the last two years of service shall be included in the two-year period, if it is certified that the Government servant would have continued to hold the higher post or posts if he had not proceeded on leave ]

NOTE 2 —[In the case of a Government servant who, while continuously holding a higher post or posts, is confirmed in a higher post, the period after confirmation may, where necessary, be included in calculating the prescribed period of two years ]

NOTE 3 —[So long as a Government servant holds a post higher than his substantive post for two complete years immediately before the date of his retirement, it is not necessary that he should have held the same higher post throughout the period ]

(iii) This concession shall be admissible during a period of leave also, provided that the Government servant had continuously held a higher post or posts for two complete years immediately before proceeding on leave, and it is certified that he would have continued to hold that post for the entire period if he had not proceeded on leave.

(iv) The pension of Government servants who retired on or after the 1st January, 1948, shall be revised in accordance with clause (i) of this Article but the increased pension shall have effect only from 1st August 1952. From the increase in the amount of gratuity admissible under clause (ii) of this Article over the amount calculated under clause (a) of Article 474 of these Regulations, there shall be deducted a sum, in respect of period between the date of retirement and 1st August, 1952, calculated at the rate of the monthly pension equivalent to the amount of increase on the basis of the commutation table with reference to the age next birthday after retirement.

(v) Nothing contained in this Article shall have the effect of *modifying any of the existing rules which govern the counting of service* qualifying for pension or the definition of emoluments reckoning for pension, of the several maxima of pensions prescribed in the Regulations :



Provided that special pays other than those of the nature of deputation (local) allowance which are not of the nature of duty allowance or deputation (duty) allowance, as defined in these Regulations, and which do not, therefore, count for pension otherwise, shall be treated as 'officiating pay' or 'pay drawn in a temporary post' as the case may be for the purpose of benefits under this Article

(vi) The concession admissible under this Article shall also apply to a permanent Government servant who served in the Army, Navy or Air Force during the period from 1st January, 1948 to 21st April 1960, and for the purpose of this Article, such Government servant shall, if he was holding a lien on a permanent civil appointment and was actually in receipt of military rates of pay during the said period, be deemed to have held an analogous post in the Civil Department on a rate of pay equal to the pay of his appointment or rank (including any paid acting or temporary rank) including Parachute pay and specialist pay.

NOTE —[The concession laid down in Art 487B has been extended for a period of 5 years up to the 31st December 1962 on the same terms and conditions as the concessions embodied in this Article [G I M F No F 12(19) EV/56 dated the 15th January 1957] Imp

See G I order (6) below Art 487A

## GOVERNMENT OF INDIA'S ORDERS

(1) A doubt arose whether the concession is admissible to a Government servant who had officiated in a higher post or posts during a portion of the last 3 years of his service but who had been subsequently confirmed in the same or other higher post or posts and the service after confirmation is more than 2 years. It is clarified that the concession is admissible if during the last three years of his service he had held a higher post or posts for at least two years immediately before his retirement in an officiating, temporary substantive capacity or a combination of these and if the other conditions prescribed are satisfied

[G I M F No F 12(22) EV/55 dated the 10th December 1955]

(2) The benefit allowed in proviso (b) to clause (i) and (ii) in this Article will be admissible only if the Government servant is officiating for two years or more in a higher post or posts immediately before retirement and not otherwise

[G I M F No F 12(33) EV/57 dated the 30th September 1957]

(3) Any spell of leave not exceeding 4 months at a time shall not constitute an interruption of duty for the purpose of reckoning the two years period

[G I M F No F 12(28) EV/55 dated the 2nd February 1956]

(4) Pensions sanctioned with effect from the 1st January 1948, the date on which Art 487B came into force or a later date but before the 2nd February, 1956 shall also be revised, wherever

necessary in accordance with the Order No 3 above and given effect from the 1st January, 1958

[G I M F No F 12(41) EV/57 dated the 9th January, 1958 and the 30th April, 1958 ]

(5) Any spell of leave occurring in Order No 3 above covers any kind of leave (including commuted leave and extra—ordinary leave) not exceeding four months at a time

[G I M F No F 12(19) EV/57 dated the 4th July, 1957 ]

(6) Any "spell of leave not exceeding four months at a time" means any period of leave not exceeding four months whether it be leave on average pay or half average pay or whether earned leave or leave on medical certificate or private affairs under the Revised Leave Rules

[G I M F, No F 12(28) EV/55 dated the 8th June 1959 ]

The orders mentioned in Order No (3) take effect from the date of their issue i.e. from the 2nd February, 1956

(7) A doubt has been expressed in certain quarters as to what emoluments should be taken into account in the calculation of pension and/or death-cum-retirement gratuity in the case of a person who while on leave pending retirement during the last 3 years of his service, is confirmed in the higher post which he held in an officiating or temporary capacity after the first four months of such leave. It has been decided that he may be allowed the concession of this Article only to the extent and subject to conditions imposed therein

[G I M F No 12(10) EV/55 dated the 16th July, 1956.]

(8) A person who was holding a post in a temporary or officiating capacity before proceeding on leave preparatory to retirement and is confirmed in such a post at any time during the currency of his leave preparatory to retirement, shall be eligible to count his substantive emoluments, although not actually drawn by him, for computing pension Arts 60 and 487 C S R., are being suitably amended separately to give effect to this decision

[G I M F No 12(34) EV/57 dated the 8th October, 1957 ]

(9) A person who was holding a post in a temporary or officiating capacity before proceeding on leave preparatory to retirement and is confirmed in such a post at any time during the currency of his leave preparatory to retirement shall be eligible to count his substantive emoluments, although not actually drawn by him for computing pension. A question has been raised in this connection whether the intention is to allow the benefit of any increment also if it accrues at any time during the period of leave preparatory to retirement. It is clarified that the benefit of increment, not actually drawn is not to be allowed in such cases, except to the extent contemplated in para 27 (ii) and (iii) of the Manual of Audit Instructions (see Ar Genl's order No 2 on page 225 of this book )

[G I M F No F 12(34) EV/57 dated the 27th March, 1958 ]

(10) One of the conditions for the grant of the benefit of counting higher officiating emoluments for pension under this Article to a permanent Central Government employee on deputation to a State Government is that he should have received *pro forma* promotion under the second proviso to the Fundamental Rule 30 (1). Such a condition does not, however, exist in the case of a Central Government employee on deputation to the Armed Forces or to another Department of the Central Government. As the deputation of such an employee under a State Government is analogous to his deputation to the Armed Forces or to another Department of Central Government, the condition referred to above leads to a discrimination in the matter of admissibility of the concession under this Article. It has been decided that the benefit of counting for pension higher officiating emoluments actually drawn while on deputation shall be admissible in the case of a Central Government employee on deputation under a State Government irrespective of whether the employee has received any *pro forma* promotion or not.

The other conditions regarding eligibility etc. for the benefit under this Article would, of course, continue to apply in such cases.

(Past cases, already decided otherwise, will not be reopened.)

[G I M F, No 12(42) EV/57, dated the 7th January, 1958.]

#### AUDITOR GENERAL'S ORDER

It has been decided in consultation with the Government of India, Ministry of Finance, that under sub-rule (2) to this Article, if during the last three years of his service any officer has been suspended under such circumstances that the period of suspension does not count as service, the period so passed should be disregarded in the calculation of average emoluments and equal period before the three years being included. As such, for purposes of average emoluments, the retirement is in effect antedated by the period of suspension. The person concerned is considered to have been retired before the date of suspension. If even then the Government servant in question fulfills the conditions prescribed for the concession admissible under this Article for the period taken into calculation of average emoluments, it cannot be denied to him.

As regards a Government servant who is reinstated after suspension without being allowed to count the period of suspension as duty for pension, and then retires after putting in further service for some months, the case is regulated under Note 2 below Article 487 for the purpose of calculation of average emoluments for pension. The provision will apply also in cases falling under this Article. As regards computing of two years' period to become eligible for the concession under the latter article, the Government servant should have officiated in a higher post before and after the period of suspension which should be ignored for a period of two years. In other words if a Government servant has officiated in a higher post for 1 year and 8 months, and is then placed under suspension, on

reinstatement officiates in the same post for 4 months, he would be deemed to have completed two year's period, ignoring the period of suspension which does not count for pension for the purpose of this Article

[Comptroller & Ar Genl's letter No 1716-NGE 1/117-58 dated the 27th October, 1958]

#### Allowances which do not count

488 An officer cannot count the following allowances —

- (1) Local allowances and deputation (local) allowances;
- (2) Messing allowances, working allowances, and provision allowances to officers in the Marine Department;
- (3) House-rent allowance, or estimated value of free quarters,
- (4) Tour and [other allowances (to officer who accompany the Viceroy or any Government)];
- (5) Compensation for dearness provisions.

#### Net emoluments taken

489 Any part of an officer's pay or emoluments, which is specially intended to provide for expenses incidental to his duty, must be excluded

The following are examples of the operation of this Article:—

(1) When an officer's pay is intended partly to cover the expense of his providing or keeping a horse, his pay must be taken only at what it would be if it was not intended to cover such expense. When a water-carrier's pay includes provision for a bullock, his pay must be taken at what it would be if he were not required to keep a bullock

(2) When a consolidated pay specially includes tentage, travelling allowance or house allowance, these must be deducted.

(3) The commission paid to a Thugyi in Lower Burma goes in part to pay expenses incidental to his office. In calculating 'Emoluments' or 'Average Emoluments' for pension purposes,  $2\frac{1}{2}$  per cent on a Thugyi's commission, if the average commission of the last three years of his service exceeds Rs 600 a year, is deducted, as representing the expenses of his office, and pension is computed upon the remainder. No deduction is made if the average commission of a Thugyi for the last three years of service does not exceed Rs 600 a year; in such cases the pension is computed upon the total amount of such average commission

(4) When an officer's pay is fixed at two rates, a smaller rate during stationary duty and a higher rate during periods passed on tour or travelling, the former rate alone should be the basis of the calculation

490 When service on temporary duty counts for pension under Article 376, the pay of the permanent appointment held by the officer, and not that drawn in respect on the temporary duty, is taken into consideration in determining the amount of pension unless the officer draws a deputation (duty) allowance under the provisions of Art 76C or Art 81

(This Article, applies even when the Government servants' lien on his substantive appointment is suspended under F.R 113 )

## GOVERNMENT OF INDIA'S ORDER

For the purpose of calculating ordinary civil pension or gratuity in the case of a civil officer who has been employed on military duty in connection with the war, his emoluments during such service should be taken to be those he would have drawn from time to time if he had remained in civil employ

The calculation should be made according to the 'next below' rule where applicable and when that rule is not applicable it should be based on the pay including allowance if any mentioned in Art 486 C S R which he would have drawn from time to time prior to retirement in the appointment in which he had a lien

[G I F D No 150—C S R dated the 11th February, 1920 Paragraph 329 of the India Supplement ]

## AUDITOR GENERAL'S ORDER

When a permanent officer during the last 3 years of his service, happens to be deputed to an appointment which though at first created experimentally or temporarily, eventually becomes permanent, the average emoluments for the purpose of pension should be calculated on the pay of the permanent appointment held by the officer and not on the pay drawn in respect of the temporary duty.

[Paragraph 340 of the Punjab Manual ]

491. The preceding Article does not apply to an officer, deputed temporarily to service in the Income Tax Department, or to an officer deputed on abolition of his appointment to special duty (Article 397), or to an officer, who, when his appointment was abolished, was on special duty In these cases the full allowances are counted

## Combination of Appointments

492 If an officer has held more than one appointment, in respect of each of which, if he had held it separately and alone, pension would have been admissible to him, the pension admissible to him is the sum of the several pensions which would have been admissible to him if he had held each office separately and alone The consolidated pension thus admissible is subject to the limitations prescribed in Articles 474 to 480 and 481.

493 An officer is not entitled, for service in an office conjointly with another office, to any pension which would not have been admissible to him if he had held the office separately and alone

## Comparative chart of different kinds of Pensions

Compensation Pension	Invalid Pension	Retiring Pension	Superannuation Pension	Extraordinary Pension
1 Admissible when Officer is selected for discharge on abolition of permanent post	Admissible when officer declared medically unfit for further service	Admissible on qualifying service of 30 years or lesser prescribed period	Admissible on attaining 55/60 years of age when Govt servant is compelled to retire (Age raised to 58 from 55 w.e.f. 1.12.1962)	Admissible when officer is permanently incapacitated or in case of death to his family
2 Average emoluments calculated on emoluments drawn during last 3 years and varies according to qualifying service except that after 25 years it is equal to 30/60 of average emoluments	Same as in column 1	Amount of pension varies upto 30 years after which it is 30/60th	Same as in column 1	Calculated according to pay on the date of injury or death
3 Benefit of Art 404A in-admissible	Inadmissible	Inadmissible	Benefit of addl service on account of entry after 25 years of age admissible to officers mentioned in Art 404 A	Inadmissible
4 On re-employment the officer may cease to draw pension and count previous service	Same as in column 1 provided he is fit for service	Past service cannot count	Same as in column 3	Same as in column 3
5 On re-employment as per above leave is earned as by permanent Govt servants	Same as in column 1	On re-employment leave is earned as by temporary employees	Same as in column 3	Same as in column 1
6 Except on temporary duty int'l pay on re-employment should not exceed the substantive pay at the time of discharge Subsequent increase is admissible	Same as in column 1	Pay plus pension should not exceed the pay at the time of retirement except with special sanction vide Art 521	Same as in column 1	Same as in column 1

## SUMMARY

A —Hints for calculating qualifying service for Pension for Officers other than the I C S or High Court Judges

1 *The date of commencement of service is —*

(a) after completing 20 years or 18 years of age in the case of persons who retire on or after 1 9 1960 vide Art 358 C.S R except in the case of compensation gratuity,

(b) after completing 16 years of age in the case of Class IV Government servants who retired prior to 1 9 1960 (Art 360) and after completing 18 years who retire on or after 1 9 1960 except in the case of compensation gratuity,

(c) from the date on which an I C S an Indian Police Officer, a Civil Engineer or Telegraph Officer educated at the Royal Engineering College Coopers Hill joined his first appointment in India and in the case of an Indian Forest Service Officer appointed in England by the Secretary of State from the date from which pay is drawn, (Note under Art 358),

(d) after excluding apprenticeship period, (Art 372)

(e) the date of the beginning of temporary service subject to the conditions laid down in Art 370 and G.I. decisions thereunder,

(f) the date of the beginning of officiating service subject to the conditions laid down in Art 371 and G.I. orders thereunder in the case of officers retiring prior to 22 4 1960,

(g) (i) the date from which a Probationer is appointed provided he holds a substantive office and draws substantive pay, (Art. 373)

(ii) the date from which an officer is appointed on probation for a substantive office if he is employed in a vacancy reserved for him pending probation and in which no other officer simultaneously counts service but probationary service not followed by confirmation does not qualify (Art 373)

2 *The date of termination of Gross service is*

(a) the date prior to the date from which a Government servant retires

(b) the last date of the refused leave vide Ar. General's order (2) below F.R. 86

(c) the date prior to the date of relief of duties when an officer has submitted a medical certificate (Art 455)

(d) the date on which leave granted under Note below Art. 82A expires (Art 455)

(e) the date of termination of leave not due granted with or without M.C. if invalided during the currency of or at the end of such leave

(Audit Instruction below F R 87),

(f) the date prior to the date from which a Government servant under suspension is permitted to retire on the completion of the enquiry [F R 56 (d)]

3 Add to this gross service one half of temporary or officiating service counted under para 7 of the Liberalised Pension Rules of 1950

4 From the gross service thus arrived at deduct such periods as do not qualify for service e.g. extraordinary leave without pay under Art 407 C S R periods of overstay of leave and periods under suspension adjudged as a penalty and not allowed to count for pension in full (Art 417)

5 The resultant service is the service to which Art 408 applies.

6 Calculate the periods of leave with allowances except the following —

(i) Privilege leave and subsidiary leave prior to 29 7 1920 (Art 407)

(ii) First four months of any period of leave on A P or earned leave on A P for 90/120 days taken in one spell under Leave Rules 1933 or the Liberalised Leave Rules, 1949 respectively [The limit of 120 days applies to those who retire on or after 18 4 1956]

[G I F D No F 11(17) R 11/37, dated 22 7 1937]

(iii) The first 4 months of any period of leave on A P in excess of 4 months permissible under Note 1 to F R 81(b)

(iv) Study leave

[Paragraph 11 Appendix 9 F R. Vol II]

(v) Special Disability leave [F R 83(b)]

(vi) Hospital leave on full or average pay (S R 270)

(vii) Maternity leave (S R 267)

(viii) Seamen's Sick leave (S R. 274)

(ix) War concession leave-up to 6 months in the case of leave preparatory to retirement commencing after 30 7 1945 and before 31 3 1947

[F 12(2)W 11/45 dated 30.7 45]

(x) War concession leave on full pay for 3 months during World War I

[G I F D No 617 C S R dated 9 7 1918]

(xi) Period of leave in excess of 4 months to the extent to which the excess represents War Concession leave not enjoyed on 31 12 1921 and which was taken under F R s



NOTE —[The following kinds of leave will be counted as leave with allowances for the purpose of Art 40<sup>a</sup> C S R —

- (i) Leave on half average pay,
- (ii) Leave not due
- (i i) Leave on quarter average pay,
- (iv) Hospital leave on half pay,
- (v) Commuted leave,
- (vi) Furlough on A P ,
- (si i) Furlough on half average pay

(viii) Leave on medical certificate or on private affairs

(ix) Period of leave included in the quasi permanent service if in excess of first 4 months of leave on A P ]

7 *Deduct* leave with allowances calculated in 6 above in excess of limits prescribed in Art 408 from the resultant service arrived at as per 4 above

8 *Deduct* also the periods of extraordinary leave without allowances, if any

9 *Add* to this —

(i) Military service under Arts 357A, 357B, 357C or 357D up to the limits prescribed therein ,

(ii) In the case of officers to whom an addition under Art 404A is admissible the difference between the age at entry and 25 years limited to 5 years

(iii) Only an addition under either (i) or (ii), if admissible should be made but not both of them (Art 357A)

(iv) Periods of deficiency condoned as no allowance is drawn

The result is net qualifying service which should be in completed years but for those who retire on or after 22-4-1960 may be calculated in terms of six monthlies

In counting the length of service a month should be taken to consist of 30 days

[C C A letter No 105 A/1228 dated 31-3 1928 ]

10 *Examine* the case with regard to the kind of pension admissible—

(1) Superannuation Pension [on reaching 55/60 years of age or 58 from 1-12-1962 vide Art 458 ]

(2) Retiring pension (required to retire after completing 30 years or less time prescribed for any class of officers)

(3) Invalid pension (permanent incapacity from the public service vide Art 441)

(4) Compensation pension (abolition of appointment vide Art. 425)

**B.—Hints for Calculating Total Emoluments—**

1 Take the following as emoluments,—

(a) (i) substantive pay in respect of a permanent post other than that drawn in a tenure post

(ii) Provisional substantive pay if conditions of Art 89 are satisfied

[G I F D letter No F 13 (5) Est V/47 dated 29-11 1947.]

(iii) Overseas pay converted into rupees in respect of a post held substantially

[Art 38 (a) and para 27 (f) of Section III of the Manual of Audit Instruction]

(iv) Personal pay granted for the loss of substantive pay (Personal pay granted on account of loss in officiating post is treated as 'Officiating pay' for the purpose of benefit under Art 487B)

(v) Technical pay

(vi) Special pay attached to a permanent or temporary post held in a substantive or officiating capacity

[G I F D, No F/1/(14) R. 11/36 dated 9/28 7.36] (G I order No 12 below Art 486)

Special pay granted on account of the unhealthiness of the locality is to be taken into account in the case of officers retiring on or after 10-3 1924)

/ [G I F D No 914 C S R dated 8 5 1924]

Special pay will not count even if it is in the nature of duty allowance from 22-4 1960

1 [Detailed instructions given in G I M F Memo No. F 4 (2)-Est (Spl)/59-II dated 22 4 1960] (See G I order No 18 below Art. 486)

(vii) Officiating pay drawn in a substantive vacancy or in a post which is temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances or transfer to foreign service after 1-1 1922

[G I F D No 7/84/C S R dated 8-7 1925] (G I order No 11 below Art 486)

(viii) Temporary increase in pension —

(i) From 1-1 1946 to 31-3-1950 *vide* G I F D, No F.1 (22)-WI/45 daetd 26-5 1945,

(ii) Enhanced temporary increase from 1-4-1958 to officers retiring before 15-7-1952 *vide* G I M F., Memo F 8 (5)-EV/57 dated 9-6-1958 (G I order No 26 below Art. 486)

(ix) Dearness allowance and Dearness Pay according to the rates and during the periods as shown against serial Nos 7, 8, 9 and 10 under the heading 'F—Procedure for calculation of average emoluments'

(x) The following items are *not* included in emoluments —

(i) Pay in a temporary post, other than Special Pay.

(see (vi) above)

(ii) Officiating pay drawn in a temporary post does not count for pension

[G I M F, U O No D 4187 EV/48 dated 7 7 1948] Exceptions 487 A and 487 B

(iii) Additional pay under F R 49

[Ar Genl's letter No 123A/31 37 dated 5 4 1937]

(iv) Allowances of all kinds except dearness allowance mentioned in (a) (ix) above

### C.—Average emoluments

*Average emoluments are calculated as below —*

The average emoluments are to be calculated by taking the total emoluments drawn by the Government servant during the last 3 years of service immediately preceding the date of retirement and dividing the total by 36

(i) If during the last 3 years of his service, an officer has been absent from duty on leave with allowances, or having been suspended has been reinstated without forfeiture of his service, his emoluments for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent from duty or suspended

[Rule 1 under Art 487]

(ii) If during the last 3 years of his service, any officer has been absent from duty on leave without allowances (not counting for pension) or inferior service or suspended under such circumstances that the period of suspension does not count as service, the periods so passed should be disregarded in the calculation of the average emoluments, an equal period before the 3 years being included

[Rule 2 under Art 487]

(iii) Pension cannot be increased on account of an increase in pay which might or would have accrued during an officer's leave, but which was not actually drawn until the officer returned to duty. Benefits should not be given of increments actually accrued, but not drawn during leave

[Ar Genl's letter No T/1007/289A 25 dated 22 9 1925.] (Paragraph 329 of the Punjab supplement)

(iv) If a Government servant takes leave under Fundamental Rules during the last 3 years of his service and who during the currency of the leave on average pay not exceeding 4 months or the first 4 months of any period of leave on average pay exceeding 4 months is promoted in a substantive or provisionally substantive capacity to a post carrying a higher rate of pay or earns an increment which is not withheld, he is entitled in respect of the period of his leave to count the pay which he would have drawn had he remained on duty as 'emoluments' for the purpose of Art 487 even though the increase in pay due to promotion or increment is not actually drawn during leave under the Fundamental Rules corresponding to P L

[Paragraph 27(ii) Section III Manual of Audit Instructions]

(v) In the case of an officer who, while on leave preparatory to

retirement is confirmed in the higher post which he held in an officiating or temporary capacity before going on such leave, his substantive emoluments in the higher post, which he would have drawn had he been on duty, shall be taken into account for the purpose of calculation of average emoluments. This has effect from 8 10 1957.

[G I M F, No F. 12(3)-EV/58 dated 11.2.1958]

(vi) During the period of leave with allowances, the substantive pay that he would have drawn in the permanent post but for leave is taken into account

But if special pay is attached to the post it can be included, if it is certified that but for going on leave he would have continued to draw the special pay

[Ar Genl's letter No 193/A/62 36 dated 17 4 1936] (G.L. order No 14 below Art 486.)

(vii) Non superior officers transferred to foreign service before 5 9 1928 are entitled, irrespective of the rate of pension contribution, prescribed for them to a pension calculated wholly or partly as the case may be, on the pay drawn by them in foreign service

[G I F D, No (26) R. 1/33 dated the 15th January, 1934]

(viii) Periods of joining time other than joining time under note 2 below F R 107 which fall within the last 3 years of a Government servant's service, should form part of the 3 years for the purpose of average emoluments

[Paragraph 27(V) Section III of the Manual of Audit Instruction] (Paragraph 327 of the India supplement)

(ix) In the case of an officer with a substantive appointment who officiates in another appointment or holds a temporary appointment, the emoluments will be those which would be taken under Art 486 C S R in respect of the appointment in which he officiated or of the temporary appointment or the emoluments which would have been taken into account had he remained in his substantive appointment whichever are more favourable to him under Clause (a) and (b) of Art 486 C S R

[Rule 2 under Art 486]

#### D —Amount of pension

(a) *Amount of pension for different kinds of Officers is regulated as follows —*

Class of Government Servants	Article under which retiring pens on is admissible	Article giving maxima of Pensions	Article for Special additional pension	Benefit of qualifying service
(i) All Govt servants excepting those governed by Art 349A & 349AA	465	474		Nil
(ii) Officers specified in Art 349A who joined their appointments after 29 8 1919	465A	474A	475A	404A
(iii) Officers specified in Art 349A who entered service on 1 10 1938 and after	465AA	474AA	475AA	Nil

NOTE —[Rules 13 and 14 of the Superior Civil Services (Revision of Pay, Passage and Pension) Rules 1924 should be applied to all members of the services and holders of appointments specified in Schedule V

(b) *The maximum amount of pension admissible is given below —*

Under Art 474 C S R	Rs 5,000 a year
"    , 474A C S R	Rs 6 000 a year
"    " 474AA C.S R	Rs 6,000 a year
Under Rules 13 and 14 of S C S Rules 1924	Rs 7,000 a year.
Under Liberalised Pension Rules (From 17-4-1950 to 16 4 1956)	Rs 6,750 a year.
From 17-4 1956 onwards	Rs 8,100/- a year.

(c) *Decimal coinage*

(i) In case of officers who retired prior to 1 4 1957 but whose pension payment order is issued after this date average emoluments should be calculated in terms of Rs as and Ps and then converted into decimal system

(ii) The pension of those Government servants who were drawing pension prior to 1-4-1957 should be converted into decimal system But should not be rounded off

[G I M F No F 4 (76) F III/55 dated the 17th April, 1958 ]

(iii) In the case of persons retiring after 1-4 1957 the pension fixed in rupees should be calculated to the nearest multiple of 5 naye Paisa

[G I M F, Memo No F 4 (76) F III/55 dated the 28th November 1957.]

(iv) When in the rounding off the pension works out to a certain number of rupees and multiple of 5 naya Paisa plus 2 50 naya Paisa, 2 50 naya Paisa should be ignored

[G I M F No 7 (8) EV/57 dated the 9th May 1958.]

### **E—Special Additional Pension.**

(a) A Government servant belonging to posts or services included in Art 349A or 349AA is entitled to special additional pension according to the rates prescribed in Arts 475A or 475AA respectively if his post is listed in the Schedules to these Articles Art 475 applies to posts enlisted in its Schedule

(b) For the purpose of counting effective service take the broken periods in a post, if any, together Ignore the following periods for counting effective service —

(i) Study leave ,

(u) Special disability leave ,

(iii) Period of voyage on return from leave on compulsory recall which does not fall within first 4 months of leave on A P.

**F.—Procedure for Calculation of Average emoluments.**

- 1 Apply Art 486 upto 21-4-60 (inclusive)
- 2 Apply Art 487 for calculating average emoluments
- 3 Apply Art 487A to officers who before retirement held a permanent post in a provisionally substantive capacity or officiating capacity or a temporary post in a substantive or officiating capacity carrying a rate of pay higher than his substantive pay during the period from 3-9-1939 to 31-12-1947 Increase in pension is to be given from 24-3-1947
- 4 Apply Art 487B to the officers mentioned in 3 above who held such posts during the period from 1-1-1948 to 21-4-1960 after which Art 486A will apply Increase in pension is to be given from 1-8-1952
- 5 Give temporary increase in pension from 1-1-1946 up to 31-3-1950 vide G I F D, No F. 1 (22)-WI/45 dated 26-5-1945
- 6 Enhanced Temporary increase in pension from 1-4-1958 to officers retiring before 15-7-1952 vide G I M F, Memo No F 8 (5) EV/57 dated 9-6-1958
- 7 One half of the average of D A to be added to the average emoluments of Government servants who retired after 1-8-1942 with effect from 1-1-1946 to 31-12-1946 vide G I M F, No 4164 EV/48 dated 28-6-1948
- 8 50% of Dearness Allowance termed as 'Dearness Pay' to be counted as emoluments to the extent given in G I F D No 6(5) E II/53 dated 9-5-1953 in the case of Government servants retiring on or after 15-7-1952 but before 15-7-1953 (exclusive)
- 9 In the case of those Government servants who retire between 15-7-1953 and 15-7-1955 (exclusive) the full dearness pay appropriate to the pay equal to A E calculated in accordance with Arts 486 and 487B should be added to average emoluments
- 10 In the case of Government servants who retire on or after 15-7-1955 upto 21-4-1960 emoluments reckoned under Arts 486 and where applicable under 487B should be increased by the Dearness Pay appropriate to the pay equal to such emoluments at each stage of the calculation of average emoluments vide G I M F, No 22(1)-EV/57 dated 23-8-1957
- 11 Apply Art 486A to officers retiring on or after 22-4-1960

**QUESTIONS & ILLUSTRATIONS**

**Q. 1** Specify when variations in length of qualifying service or average emoluments do not effect the amount of pension. (S A S July 1951)

**Ans. (A) Qualifying service —**

(i) Officers who have rendered a qualifying service of 30 years

are not affected with regard to their pension if their length of service varies above 30 years

(ii) In the case of officers who have rendered qualifying service of 25 years, their compensation, invalid and superannuation pension is not affected if their length of service varies above 25 years

(iii) In the case of officers who have rendered qualifying service of 25 years, their retiring pension is not affected if their length of service varies provided that they are governed by Art 465A C S R (included in Art 349A C S R)

(iv) The pension of an I C S officer who has completed 25 years of service with an active service of 21 years

(B) *Emoluments*

The variations in length of qualifying service do not affect the average emoluments if the officer is entitled to the maximum pension laid down in Arts 474, 474A 474AA C S R or Rules 13 and 14 of the Superior Civil Services Rules

Q 1A. Mr L M born on 12th May, 1888 joined service on 8th April 1908 and held non gazetted appointments till 14th November 1932 During this period he took only privilege leave His service from 8th April 1908 to 10th July 1908 was temporary. He started officiating as an Assistant Accounts Officer from 15th November 1932 and was confirmed on 7th August 1937 He took leave on average pay for 2 months and 23 days from 24th October 1940

Calculate his superannuation pension The scale of pay of Assistant Accounts Officers is Rs 500 35 850 and Mr L M's pay in this scale was initially fixed at the minimum

Ans.

Date of birth — 12-5-1888

Date of retirement — 12-5-1943

Date of commencement  
of service for pension — 11-7-1908

Boy service from 8th April 1908 to 11 May, 1908 does not qualify vide Article 358 of the Civil Service Regulations and the temporary service from 8 4 1908 to 10 7-1908 has been omitted under Article 370 of the Civil Service Regulations

Y M D

Gross Service from 11-7-1908 to 11-5-1943 34-10-1

Non-qualifying service Nil

Net qualifying service (34 years) 34-10-1

*Average emoluments for the period from 12-5-1940 to 11-5-43*

	Rs	Rs	A	P
12- 5-1940 to 14-11-1940 @ 745 p m		4553	5	0
15-11-1940 to 14 11-1941 @ 780 p m		9360	0	0
15-11-1941 to 14-11-1942 @ 815 p m		9780	0	0
15-11-1942 to 11- 5-1943 @ 850 p m		5004	15	0
Total ..		28698	4	0

Average Emoluments = Rs 28698-4-0 — 36 or Rs 797-2-9

Pension payable is Rs 797-2-9 —  $\frac{1}{4}$  or Rs 398-9-0  
per mensem

(S A S November 1940)

**Q 2.** Calculate the pension of an officer governed by the new pension rules referred to in Article 349-A of the Civil Service Regulations in the following case —

(1) Applies for pension and is allowed to retire after a total qualifying service of 26 years 6 months by holding substantively a permanent post on Rs 350-50-1,250

(2) Pay on 1st February 1937 — Rs 1,000 p m

(3) Next increment — 1st September 1937.

(4) Officiated in a post on Rs 1,250-50-1,500 carrying higher duties and responsibilities from 1st November 1937 to 28th February 1938. The post was vacant in consequence of its substantive holder having been on foreign service. The officiating appointment carries a compensatory allowances of Rs 100 p m and a special pay of Rs 200 p m half of which is for specific addition to work and responsibilities and the other half for unhealthiness of locality.

(5) Takes leave on average pay for six months with effect from 21st November 1938

(6) Takes leave on average pay for one month followed by leave on half average pay for two months from 16th August 1939

(7) Appointed to officiate in a temporary post on Rs 1500 p m from 15th November 1939 to 14th March 1940

(8) Takes leave on average pay for one month from 1st August 1940 and retires at the end of the leave (S A S November, 1941)

Ans.

Retired from 1st September 1940

Period of calculation for Average emoluments is from 1-9-1937 to 31-8-1940

	Months	Rs.
1- 9-1937 to 31-10-1937 at Rs 1050 per mensem	2	2100
1-11 1937 to 28- 2 1938 at Rs 1450	4	5800
1- 3-1938 to 31- 8-1938 at Rs 1050	6	6300
1- 9-1938 to 31- 8-1939 at Rs 1100	12	13200
1- 9-1939 to 31- 8-1940 at Rs 1150	12	13800
Total for 36 months		41200



Average emoluments is Rs 1144-7-0

Pension =  $\frac{3}{8}$  of Rs 1144-7 0 limited to Rs 572-3-6 p m. under Article 474A (ii) of C S R

*Important Points —*

1 Officiating pay in a permanent post which was vacant consequent on the substantive incumbent proceeding on foreign service counts under Article 486(h) C S R

2 Special pay counts as emoluments for pension (*vide* Art. 486) C S R

Q 3 An I C S office is proved to be unfit for further advancement and is removed from services from 10-8-1942 (afternoon) From the following details calculate the pension admissible to him

Date of birth	1- 1-1905
Joined Service	20 10-1929
Date of Landing	14 11-1929
Date of Arrival	16 11-1929
Domicile non Asiatic (unattached)	14-11-1929
Station A	16-11-1929

Leave on half average pay for 4 months and 3 days in India from 4-12-1932

Leave on average pay in India for 19 days from 16-4-1935.

Leave ex India on average pay for 4 months and on half average pay for 3 months from 8 4-1936

Leave ex India on average pay for four months and on half average pay for three months from 17-3-39 (*S A S November 1942*)

**Ans**

Date of arrival—16-11-1929

Date of removal from service—10-8-1942 (A N.)

Active service is from 16-11-1929 to 10-8-1942=12-8 25

Nature of leave	Period		Total leave	Leave which qualifies
	from	To		
			<i>Y M D</i>	<i>Y M D</i>
L H A P	4-12-1932	7- 4-1933	0 4 3	.. ..
L A P	16 4-1935	4- 5-1935	0 0 19	0 0 19
L A P	8- 4 1936	7- 8 1936	0 4 0	0 4 0
L H A P	8- 8-1936	7-11-1936	0 3 0	
L A P	17- 3-1939	16- 7-1939	0 4 0	0 4 0
L H A P	17- 7-1939	16-10 1939	0 3 0	
			<hr/> 1 6 22	<hr/> 0 8 19

	Y	M	D
Active service	12	8	25
Less all leave	1	6	22
Add leave counting as	11	2	3
Active services	0	8	19
	11	10	22 or over 11 years

Under Article 353 A read with Art 564 (a) ibid the I C S officer is entitled to an annuity of not more than Rs 3 840 subject to a minimum of £ 360

**Q 4** From the following particulars calculate the superannuation and special additional pension admissible to an I S E Officer —

Born—1st September 1887 Domicile Asiatic

Joined the service—4th November 1910

Elected to come under the New Pension Rules

4th November 1910—Assistant Executive Engineer

6th November 1916—Officiating Executive Engineer

1st October 1918—Executive Engineer

Leave ex Ind a on average pay for four months and in continuation leave on half average pay for one year from the 1st January 1929

Leave on average pay on medical certificate for five months from the 1st April 1933 Overstayed the leave by fifteen days

Special disability leave for four months on average pay and for two months on half average pay from 25th January 1934

From 5th April 1937—Officiating Superintending Engineer

From 1st March 1938—Executive Engineer

From 1st January 1939—Held a temporary post of Superintending Engineer created by the Local Government for six months

From 1st July 1939—Executive Engineer

From 1st February 1940—On foreign service in an Indian State for one year Was given officiating promotion to the rank of Superintending Engineer from 1st March 1940

From 1st February 1941—Officiating Superintending Engineer

From 9th November 1941—Superintending Engineer Pay and allowance revised by the officer —

From 1st March 1938 Pay Rs 1375 p m Special pay Rs 100 p m

From	Rate of pay	From	Rate of pay
1 1 1939	Rs 1750	1 7 1939	Rs 1375 p m
1 2 1940	Rs 2000	1 2 1941	Rs 1850 p m
1 6 1941	Rs 1950	1 6 1942	Rs 2050 p m

(S A S November 1942)

Ans.

Y M D

Gross service from 4-11-1910 to 31-8-1942 31 9 28

Deduct leave with allowances other than P L.  
or the first four months of L A P

Y M D

Leave in India from 1-5-1929 to 30-4-1930 1 0 0

Leave out of India from 1-8-1933 to 31-8-33 0 1 0

Both periods of the leave count under Article 408 C.S.R.

Deduct overstay of leave 0 0 15

Net qualifying service 31 9 13

or 31 years

Effective service for special additional pension.

Superintending Engineer is in the Lower Grade

Period

Y M D

5-4-1937 to 28-2-1938 0 10 24

1-1-1939 to 30-6-1939 0 6 0 (a)

1-3-1940 to 31-8-1942 2 6 0 (b)

Total

3 10 24

Important Points—

(a) The service in the temporary post will count as effective service only if the conditions in Article 475-A (3) C. S. R. are satisfied

(b) Officiating promotion to the rank of Superintending Engineer during Foreign service also counts as effective service under Article 475(A) (b) C S R

Certified that the officer's service has been proved for over 31 years and as his emoluments during the last three years of his service have been far in excess of Rs 14 000 per annum, the officer is entitled to an ordinary pension of Rs 7,000 per annum under Rule 13 (a) of S.C.S. Rules and also to a special additional pension of Rs 900 per annum under Article 475A C.S.R. provided he has rendered approved service

Q. 5. Examine the following —

(a) A Government servant retired from 1-4-1941 on a pension of Rs 150 p m. He drew his pension for April and May 1941 on 5-6-1941. He claimed his pension again on 5-2-1942, and the Treasury Officer made the payment.

Ans.

There is no irregularity in the payment made on 5-2-42 by the Treasury Officer as the pension did not remain undrawn for more than a year when only the provisions of Articles 956 and 957 have to be applied

(b) A pensioner who had received his pension of Rs. 20 p m. up-

to 30-6 1941 died on 25 12 1941 The arrears were claimed by his legal heir on 30 3 1942 and the Treasury Officer made the payment under the orders of the Collector (S A S November, 1942)

Ans

The payment made by the Treasury Officer is in order as the claim was preferred within one year from the date of the death of pensioner and it was made under the orders of the Collector and the amount of arrears does not exceed Rs 500 vide Articles 959 and 960 C S R

Q 6 (a) A Public Works Department subordinate was injured while supervising the construction of a Government building The medical Board certifies the injury to be slight but permanent The Chief Commissioner Delhi grants him an extraordinary pension of Rs 17 p m Would you admit this?

Ans

Under Article 747 of C S R the sanction of the Government of India is necessary for the grant of extraordinary pension The sanction accorded by the Chief Commissioner cannot therefore be admitted in audit

(b) An officer who obtained a compensation pension of Rs 50 p m and whose substantive pay at the time of discharge was Rs 200 is re-employed in a post in the scale of Rs 150-10-200 It is proposed to fix his pay at Rs 170 p m by giving him two advance increments under F R 27 Is this all right?

Ans

Under Article 514 C S R the initial pay on re-appointment plus his pension should not exceed his substantive pay of Rs 200 at the time of discharge The proposal to grant advance increments to fix his initial pay is not therefore in order (S A S November, 1942)

Q 7 From the following details calculate the pension admissible to an Assistant Accounts Officer —

Date of birth 25 8 1887 Appointed to a temporary post of clerk created for 3 months from 15 7 1910 Appointed to officiate in leave vacancies continuously from 10 10 1911 Confirmed as a clerk from 1 4 1914 Promoted as Superintendent in the S A S scale (Rs 200 20 360 20 500) from 1 11 1925

Held a temporary post of Assistant Accounts Officer in the scale of Rs 500 35 850 for 3 months from 1 3 1940 Officiated as Assistant Accounts Officer from 1 6 1940 Confirmed from 1 12 1941

He had elected to come under the new pension rules Leave taken Privilege leave for 2 months from 15 10-1914

Privilege leave for 3 months from 10-1 1919

Leave on average pay for 8 months on Medical Certificate and on half average pay for 6 months from 12-12-1930. Overstayed the leave by 10 days.

Leave on average pay for 4 months combined with leave on half average pay for one year from 10-3-1935.

Leave ex-India on average pay for six months and half average pay for five months from 10-1-1939.

Retired from 25-8-1942. He was allowed increments regularly both in the S.A.S. and as an Assistant Accounts Officer.

(S.A.S. November, 1942)

Ans.

	Y M D
Gross service from 1-4-1914 to 24-8-42	28 4 24

Deduct leave with allowances other than P.L. or the first four months of L.A.P.

	In India			Out of India		
	Y	M	D	Y	M	D
12-4-1931 to 11-2-1932	0	10	0	..	..	..
10-7-1935 to 9-7-1936	1	0	0	..	..	..
10-5-1939 to 9-12-1939	..	..	..	0	7	0
Total leave	1	10	0	0	7	0
Deduct leave that counts Under Art. 408 C.S.R.	1	0	0	0	7	0
Excess (Non qualifying)	0	10	0	Nil		
Overstay of leave	0	0	10			

Total non qualifying service	0 10 10
Net qualifying service-(or 27 years)	27 6 14

Period of calculation of average emoluments is from 25-8-1939 to 23-8-1942.

	Rs.	A	P
25- 8-1939 to 31- 8-1939 @ Rs. 360	103	13	11
1- 9-1939 to 30-11-1939 @ Rs. 460	1380	0	0
1-12-1939 to 9-12-1939 @ Rs. 460	474	3	2
10-12-1939 to 31-12-1939 @ Rs. 480	4800	0	0
1- 1-1940 to 31-10-1940 @ Rs. 480			
1-11-1940 to 10-11-1940 @ Rs. 480	493	5	4
11-11-1940 to 30-11-1940 @ Rs. 500	6000	0	0
1-12-1940 to 30-11-1941 @ Rs. 500			
1-12-1941 to 28- 2-1942 @ Rs. 535	1605	0	0
1- 3-1942 to 31- 7-1942 @ Rs. 570	2850	0	0
1- 8-1942 to 24- 8-1942 @ Rs. 570	441	4	8
Total for 36 months	16,147	11	1

NOTE —Overstay of leave postpones increment in the S.A.S. Scale.

## Emoluments under 487AC S R

	Rs	A	P
1 3 1940 to 10-11 1940@ Rs 20	166	10	8
1 3 1941 to 30-11 1941@ Rs 35	315	0	0
	481	10	8
Half of Rs 481 10 8—240 13 4)	=18388	8	4
Add 18147 11 0}			
Pension=Rs 18388—8× $\frac{1}{4}$ × $\frac{1}{2}$ =Rs 255 6 0			

Q 8 Briefly discuss the following —

(1) An officer has submitted a medical certificate of incapacity for further service. He is retained in active service pending decision on his application

Ans

Under Article 455 CSR an officer who has submitted a medical certificate of incapacity for further service cannot except for special reasons to be reported to the Government for orders be retained in active service pending decision on his application for pension. Only under the special orders of the authority which has power to sanction the pension, service after the date of medical certificate counts for pension.

(2) The special additional pension of a Superintending Engineer of the Indian Service of Engineers was reduced by a Provincial Government in view of the unsatisfactory nature of his service

Ans

In the case of Secretary of State Officers by virtue of the provisions of section 247(b) of the Government of India Act a Provincial Government had no authority to reduce the special additional pension of a Superintending Engineer of the Indian Service of Engineers even though his services in the listed posts were not satisfactory. The consent of the Governor General (now President) is required for the reduction of special additional pension.

(S A S November 1943)

Q 9 Report on the Superannuation pension admissible to an officer with the following records of service —

Date of birth—20 10 1889

Joint service as a clerk in an officiating capacity in a leave vacancy 16-6-1913

Transferred to a temporary post (created for two years from 18 11 1914) 18 11 1914 Transferred to another newly created temporary post—6 5 1916

Confirmed in this post which was made permanent—8 3 1917

Promoted as Superintendent—9 8 1921 Promoted as Assistant Accounts Officer—7 11 1930 Promoted to the Indian Audit and Accounts Service—6-8 1933

Total leave with allowances (other than privilege leave, leave on average pay not exceeding four months at a time and the first four months of such leave in excess of four months) taken during service —

In India—1 year 3 months 20 days Out of India—8 months

Leave without allowances for 1 month 15 days

Pay and allowances —

From 6-3-1941 to 5-3-1942—Rs 900 p m

From 6-3-1942 to 31-5-1942—Rs 950 p m

Leave on average pay from 1-6 1942 to 30 9-1942

From 1-10 1942 to 5-3-1943—Rs 950 p m *plus*

Personal pay Rs 50 p m

From 6 3-1943 to 10-6 1943—Rs 1,000 p m

From 11-6-1943 to 31-1-1944—Rs 1,000 p m.

*Plus* Special pay Rs 100 p m From 1-2-1944—Rs 1,000 p m.  
(S A S November, 1944)

Ans.

Date of birth—20-10 1889 Boy service upto 19-10 1909 Superannuation on 20-10 1944

Y M D

Gross Service from 6-5 1916 to 19-10-1944 28 5 14 (iv)

*Deduct* leave with allowances other than P L or first 4 months of L A P.

Y M D

Leave in India

1 3 20

Under Art 408 C S R

1 0 0 counts

Excess

0 3 20 (i)

Leave out of India

0 8 0 counts

Leave without allowances

0 1 15 (ii)

Total non qualifying (i)+(ii)

0 5 5 (iii)

Net qualifying service (28 years)

28 0 9 (iv) — (iii)

Net qualifying service is proved for 28 years

Note — Service prior to 6-5-1916 does not qualify as it does not satisfy the conditions of Articles 370 371 C S R Period for average emoluments—20-10-1941 to 19 10-1944

						Rs	a	p
20-10 1941 to	5- 3 1942	@	Rs	900	p m	4093	8	9
6 -3-1942 to	30- 9 1942	@	Rs	950	p m	6496	12	5
1-10 1942 to	10 6 1943	@	Rs	1000	p m	8333	5	4
11- 6 1943 to	31- 1-1944	@	Rs	1100	p m	8433	5	4
1- 2 1944 to	5- 3-1944	@	Rs	1000	p m	1161	3	8
*6 3 1944 to	19 10-1944	@	Rs	1050	p m	7824	4	0
						36342	7	6

\*Not given in the question but assumed from the regular date of his annual increment as shown in the data

$$\text{His Superannuation pension is Rs. } 36342 \cdot 7 \cdot 6 \times \frac{1}{3} \times \frac{1}{2} \\ = \frac{\text{s. } 36342 \cdot 7 \cdot 6}{72} \text{ or Rs. } 504 \cdot 12 \cdot 0$$

**Q. 10.** From the following details calculate the pension admissible to a non-gazetted Government servant :—

Date of birth—17-9-1891.

Joined Service—12-3-1916. Invalided on 12-10-1944. Leave taken :—

Privilege leave for 3 months from 15-9-1919.

L A P on medical certificate for 6 months from 1-6-1926.

L A P. for 4 months and L H A P. for 1 year from 16-2-1930

L A P. out of India from 1-9-1934 to 21-2-1935.

L A P on medical certificate for 3 months from 1-10-1936.

L A P for 4 months and L H A P for 4 months from 5-4-1940.

L A P for 4 months from 17-5-1944

Average emoluments—Rs. 524 (S.A S November, 1944).

Ans.

	Y M D
Gross service from 12-3-1916 to 11-10-1944	28 7 0

Deduct leave with allowances other than Privilege leave or the first 4 months of L A P.

	Y M D
L A P from 1-10-1926 to 30-11-1926	0 2 0
L H A P from 16-6-1930 to 15-6-1931	1 0 0
L H A P from 5-8-1940 to 4-12-1940	0 4 0
Total leave	<u>1 6 0</u>
Under Article 408 C S R only 1 year counts	<u>1 0 0</u>
Non qualifying service	0 6 0
(L A P out of India also counts)	<u>0 6 0</u>
Net qualifying service	28 1 0
	or 28 years

As his service has been proved for more than 28 years he is entitled to a pension of Rs  $\frac{3}{8}$  of Rs 524 i.e. 262 p m if he has been invalided from service (Article 474 (b) C S R.)

**Q. 11** From the following record of service calculate the total pensionable service of an officer of the Posts and Telegraphs Superior Engineering Service —

Date of birth—18-1880 Domicile Non-Asiatic

Date of signing covenant—2-4-1908. Date of landing—3-5-1908.

Furlough ex India—16-8-1910 to 28-3-1911.



Leave on medical certificate ex-India—2-5-1915 to 17-10-15.

Leave on average pay—11-1-1923 to 29-8-1923 and on half average pay—30-8-1923 to 29-11-1923 ex-India. Exceeded joining time on transfer—22 days.

Leave on average pay on medical certificate for 8 months and in continuation on half average pay ex-India—10-5-1925 to 19-5-1926. Leave not due in continuation—20-5-1926 to 29-11-1926.

Leave on average pay for eight months and on half average pay for one year and eight months ex-India—preparatory to retirement on Superannuation (S.A.S November, 1945).

Ans.

Date of birth 1-8-1880

Add 55 years to 1-8-1880. He retired on 1-8-1935.

Gross service from 3-5-1908 to 31-7-1935 Y M. D.  
27-2-29

Deduct leave with allowances other than

P. L. or first four months of L. A. P.

	Out of India	
	Y M D	
16-8-1910 to 28-3-1911	0 7 13	
2-5-1915 to 17-10-1915	0 5 16	
*11-7-1923 to 29-11-1923	0 4 19	
10-9-1925 to 19-5-1926	0 8 10	
20-5-1926 to 29-11-1926	0 6 10	
1-8-1933 to 31-7-1935	2 0 0	
Total leave	4 8 8	
Out of which 3 years count under Article 408 C S. R.	3 0 0	
Excess (Non qualifying)	1 8 8	
Overstayal of joining time	0 0 22	
Total non qualifying service	1 9 0	1-9-0
Net qualifying service (25 years)		25-5-29

Q 12. (a) From the following details of service calculate the ordinary pension admissible to an officiating Assistant Secretary to the Government of India holding a temporary post created for the duration of the war —

Date of birth—16-7-1886

Joined permanent service—15-9-1903

Total leave taken in India excluding L A P.  
up to first 4 months

Y. M. D.

2 4 12

\* NOTE —On the first occasion of proceeding on leave under F. Rs as he has P L of 6 months at his credit 6 months L A P will be deemed to be equal to P L (Note (1) to F R 81)

Total leave taken ex-India excluding L A P Y. M. D  
up to first 4 months. 1 2 15

Exceeded Joining time—10 days

He was on deputation to Afghanistan for 6 months

He was in receipt of pay in the scale of Rs 600-40-800 as Superintendent, which post he held substantively from 11-6-1934. From 12-11-1939 he continuously officiated as Assistant Secretary, in the scale of Rs 1000-50-1250 until he retired. He took no leave during the 3 years preceding the date of retirement.

(S A S November, 1945).

Ans.

Date of birth 16-7-1886 } Boy service is up to 15-7-1906  
Add 20 }

Date of superannuation—16-7-1941.

Y. M. D

Gross service from 16-7-1906 to 15-7-1941 35 0 0

Deduct leave with allowances other than L A P.

In India 2-4-12 less 2 years under Art. 408  
0 4 12

Out of India 1-2-15 plus 2 years (in India) counts  
under Article 408 C S R

Overstay of joining time 0 0 10

Total non-qualifying service 0 4 22

Net qualifying service (34 years) 34 7 8

Average emoluments for the period from 16-7-1888 to 15-7-1941.

		Rs a. p.
16-7 1938 to 10-6-1939	760	8245 9 5
11-6-1939 to 15 7-1941	800	20120 6 10
Total for 36 months		28366 0 3(1)

Average emoluments under 487A C S R

12-11-1939 to 11-11-1940 Half of 200 i.e. @ 100 1200 0 0

12-11-1940 to 15- 7-1941 „ 250 @ 125 1014 10 5

Add emoluments under Article 486 C S R. 28366 0 3(1)

30580 10 8

Pension =  $\frac{30580-10\ 8}{36} \times \frac{1}{2}$

=Rs 424 12 0

Q 13. An I S E Officer officiated as Superintending Engineer from 16th July 1934 to 28th November, 1935. He was appointed to officiate in a temporary post of a Superintending Engineer (created by a Provincial Government) from 12th August, 1936 to 11th April, 1937 and again in a permanent post of Superintending Engineer from 15th June, 1937 and was confirmed in that appointment on 10 August, 1938. He officiated as Chief Engineer from 19th October, 1938 to 18th February, 1939, from 17th March, 1940 to 16th July, 1940 and again from 10th March, 1941 having been con-

firmed as Chief Engineer on 18th June 1941. If he retires on 1st July 1943 what would be the special additional pension admissible to him?

Ans.

It is presumed, he entered service after 29-8-19. Hence he is governed by New Pension Rules. Under Article 475A Superintending Engineer's and Chief Engineer's posts are listed in the lower and upper grades respectively.

	Lower Grade			Upper Grade		
	Y	M	D	Y	M	D
16- 7-1934 to 28-11-1935	1	4	13			
12- 8 1936 to 11- 4-1937	0	8	0			
15- 6-1937 to 18-10-1938	1	4	4			
19-10 1938 to 18- 2-1939				0	4	0
19- 2-1939 to 16- 3-1940	1	0	27			
17- 3-1940 to 16 7-1940				0	4	0
17- 7-1940 to 9 3-1941	0	7	21			
10 3 1941 to 30- 6-1943				2	3	21
Total	5	1	5	2	11	21

Certified that the officer is entitled to a special additional pension of Rs 2500 per annum (Rs 1500 in the lower plus Rs 1000 in the Upper Grade) under Article 475A provided he has rendered approved service.

NOTE—Period of service from 12-8-1936 to 11-4-1937 counts on the presumption that the condition prescribed in Article 475A (2) is fulfilled  
(S A S November, 1945)

Q 14. Discuss the propriety of the following —

An officer is sanctioned a pension of Rs 761-12 0. After three years it is discovered that the correct figure was Rs 716-12 0. It is proposed to correct the figure and recover the total amount paid to him in excess.

Ans.

The proposal is in order with reference to Article 920 C.S.R. The orders of Government should be obtained with reference to Article 248 of the Audit Code as the period of overpayment exceeds one year.  
(S A S November, 1945).

Ans

Y M D

Total qualifying service

11 1 11

Pay drawn in inferior service is Rs 15 p m

The Government servant is entitled to gratuity for the inferior portion of  $\frac{1}{4}$  of Rs  $11 \times 15$  i.e. Rs 82 8 under Article 398 CSR read with Rule 5 of the Central Government Inferior Service Rules 1936

For the superior service of ten years 5 months and 10 days he is entitled to  $10/60$  of (the average emoluments) Rs 56 i.e. Rs 9/5 p m

The Government servant is therefore entitled under Article 398 (b) CSR to an invalid pension of Rs 9/5/ per month for the superior service and a gratuity of Rs 82/8/ for the inferior service

If the Government servant elects to count the entire service of 21 years for inferior pension he will be entitled to a retiring pension of Rs  $56 \times 21/60$  or Rs 19/10 p m under Article 398 (a) read with Rule 6 (b) of the Inferior Pensions Rules of 1936 This is more advantageous to him In case he had retired from 1 4 57 he will be entitled to —

D C R Gratuity —  $\frac{2}{60} \times 21 \times 56$  — Rs 529 20Pension  $56 \times 21/80$  — Rs 14 70 p m

**Q 16** From the following details calculate the pension admissible to a ministerial Government servant —

Date of birth—26 9 1890 Appointed to officiate in a leave vacancy from 1 4 1915 as a clerk in the office of a Deputy Commissioner Continued to officiate in vacancies upto 31 3 1921 Appointed substantively to a permanent post of a clerk in the same office from 1-4 1921 Appointed substantively to the permanent post of a Head Clerk from 12th July 1940 on a pay of Rs 160 p m in the scale of Rs 160 10 220 plus a special pay of Rs 50 Retired on superannuation pension from the last post with effect from 26 9 1945 He took leave as follows —

Privilege leave for 1 month from 1 6 1916 Privilege leave for 1 month and 15 days from 15 7 1919

L A P for two months from 1 8 1926 L A P for 4 months combined with L H A P for 4 months in India from 1 10-1930

L A P for 4 months combined with L H A P for 10 months in India from 15 8 1940 L A P for 4 months combined with L H A P for 4 months in India from 13 6 1944 (S A S November 1946)

Ans

Date of birth—26 9 1890 Retired from 26 9 1945

Y M D

Gross service from 1 4 1921 to 25 9 1945

24 5 25

*Deduct* leave with allowances other than Privilege leave or the first four months of leave on average pay.

	Y	M	D
1- 2-1931 to 31- 5-1931	0	4	0
15-12-1940 to 14-10-1941	0	10	0
13 10-1944 to 12- 2-1945	0	4	0
Total	1	6	0

Under Article 408 C.S R

Excess over which does not count 1 0 0

Non qualifying service 0 6 0

Net qualifying service (23 years) 23 11 25

*Average emoluments —*

Period of calculation is from 26-9 1942 to 25-9-1945

		Months
26-9-1942 to 11-7-1943	180+50	9½+½
12-7-1943 to 11-7-1944	190+50	12
12 7-1944 to 11-7-1945	200+50	12
12 7-1945 to 25-9 1945	210+50	1½+½

Average Emoluments—

$$\text{Rs } 230 + \frac{10 \times 12 + 20 \times 12 + 30(1\frac{1}{2} + \frac{1}{2})}{36}$$

$$= \text{Rs } 230 + 12 \cdot 0 \cdot 7 = \text{Rs } 242 \cdot 0 \cdot 7$$

$$\text{Pension} = \frac{2}{3} \text{ of } 242 \cdot 0 \cdot 7 = \text{Rs. } 92 \cdot 13 \cdot 0$$

**Q. 17** A Government servant obtained a compensation pension of Rs 150 p.m. on abolition of his permanent post in which he was drawing a substantive pay of Rs 300 plus a special pay of Rs 50 at the time of his discharge. He is re-employed in a permanent post under the Central Government on the scale of Rs 225-25-525 and a house rent allowance of Rs 20. He wishes to retain his pension on re-employment. State the amount of pension and the pay and allowances that he may draw from time to time during the period of his re-employment. (S A S November, 1946)

**Q. 18.** Calculate the special additional pension admissible to an officer of the Indian Audit and Accounts Service from the following particulars —

While holding a post in Class II of the Service, he was deputed on foreign service and remained there from the 10 January 1941 to the 21st June 1943. Proceeded on leave on average pay for three months from the 1st June 1942. Government certified that had the officer not been on foreign service, he would have officiated continuously in Class I of the Indian Audit & Accounts Service for the period from the 1st March 1942 to the 31st May 1943. Appointed substantively to Class I of the Indian Audit and Accounts Service from the 22nd June 1943. Promoted to officiate as an Accountant General with effect from the 22nd February 1944. Retired on the 22nd April 1946. (S A S March, 1948 and July, 1958)

Ans

It is presumed that the officer is governed by new Pension Rules Class I of the Indian Audit and Accounts Service and the post of the Accountant General are in the Lower and Upper Grades respectively

Period			Lower Grade			Period			Upper Grade		
			Y	M	D				Y	M	D
1-3-42 to 31-5-43			1	3	0	22-2-44 to 21-4-46			2	2	0
22-6-43 to 21-2-44			0	8	0	Less period which counts in the lower grade under Art 475 A(2) C S R					
			1	11	0						
									0	2	0
Add addition under Article 475A(2)			0								
			2								
Total			2						2		
									0		

Under Article 475A, C S R the officer is entitled to a special additional pension of Rs 1600 per annum (Rs 1000 in the upper grade and Rs 600 in the lower grade) provided he is considered to have rendered service of a character deserving of the concession

NOTE—The period of leave on average pay for 3 months from 1-6-1942 to 31-8-1942 also counts as effective service under Article 475A (4)(ii) as the Government have certified that during this period he would have officiated in Class I of the Indian Audit & Accounts Service

**Q. 19.** (a) From the following record of service, calculate the qualifying service for pension of a non gazetted Government servant of Asiatic Domicile

Date of birth—23rd December 1890

Joined service as a clerk-17th September 1908 and made substantive from the same date

Leave in India on average pay for 6 months on medical certificate and in continuation leave on half average pay for 1 year and 2 months from 16-8-1925

Suspended from 1-2-1929 to 26-7-1929. Reinstated, but was not honourably acquitted

Leave in India for three months on average pay from 12-3-1933.

Leave on average pay for 2 months and in continuation leave on half average pay for 2 months from 16th July 1937

Permitted to retire from the 1st January 1944.

(b) In the above case indicate the class of pension that can be sanctioned to the officer  
(S A S March, 1948)

Ans

Date of birth 23-12-1890

Add boy service of 20 years

Service prior to 23-12-1910 will not count for pension even if he held the post substantively *vide* Article 358(a) C S R

	Y	M	D
Gross service from 23-12-1910 to 31-12-1943	33	0	9

Deduct period of Suspension from 1-2-1929 to 26 7-1929 as he was not honourably acquitted	0	5	26
	32	6	13

Deduct leave with allowance other than Privilege leave or the first four months of leave on average pay NIL

Y M D

16 12-1925 to 15 4-1927 1 4 0

16- 9-1937 to 15-11-1937 0 2 0

1 6 0

Under Article 408 C S R 1 6 0 counts

Net qualifying service (32 years) 32 6 13

(b) Under Article 465 C S R the officer is entitled to a retiring pension, as he has completed more than 30 years of qualifying service

**Q 20** Calculate the special additional pension admissible to an officer of the Indian Forests Service from the following particulars —

Officiated as Conservator of Forests from the (i) 1st January 1939 to 31st October 1939 and (ii) 1st June 1940 to 30th April 1941

Appointed to a temporary post of Conservator of Forests created by the Provincial Government from the 1st February 1942 to 30th November 1942

Confirmed as Conservator of Forests from the 1st December 1942 Officiated as Chief Conservator of Forests from the 1st July 1943 Retired on the 1st June 1945

Ans.

It is presumed that the officer had elected to come under the New Pension Rules.

The posts of Conservator of Forests and the Chief Conservator of Forests are mentioned in the Lower and Upper Grades respectively of the schedule to Article 475A C.S.R.

Service in the Lower Grade			Upper Grade		
	Y	M D		Y	M D
1-1-39 to 31-10-39	0	10 0	1-7-43 to 31-5-45	1	11 0
1-6-40 to 30-4-41	0	11-0	Under Article 475 C.S.R.		
			broken period counts		
1-2-42 to 30-6-43	1	5-0	in the lower grade	0	10 0
Add broken period carried from the Upper Grade					
	0	10-0			
	4-	0-0			
				1	1 0

The officer is entitled to a special additional pension of Rs. 1700 (Rs. 500 plus Rs. 1200) per annum under Article 475A C.S.R. provided he is considered deserving of the concession

(S.A.S. March, 1948)

**Q. 21.** Calculate the pensionable service and amount of pension admissible to an Accountant of a civil audit office from the following record of service:—

Born-1st March 1894 Invalided from 1-3-1939/

Appointed as a clerk in a temporary post with effect from 1-1-1914.

This temporary post was made permanent from the 1st March 1916, and he was confirmed in the post with effect from that date. Leave on average pay for 4 months combined with leave on half average pay for 4 months from the 1st September 1918. Leave on average pay for 4 months combined with leave on half average pay for 3 months from the 1st February 1922. Leave on average pay on medical certificate from the 2nd September 1925 to the 1st May 1926. Leave on average pay from the 1st October 1928 to the 31st December 1928. Overstayed the leave by 4 days

Leave on average pay for 4 months and in continuation leave on half average pay for 4 months from 2-9-1935.

Leave on average pay for 4 months from 1-9-1936 Extraordinary leave for 1 month from 1-7-1937.

Confirmed as an Accountant in the scale of Rs. 200-20-500 with effect from 1-4-1928. Reached the stage of Rs. 300 in the time scale on the 1st April 1935 the date of increment of pay falling on the 1st of April every year.

(S.A.S. January, 1949)



Ans.

Date of birth	1-3-1894
Add age for Boy service	20
	<u>1-3-1914</u>

(i) Service prior to 1-3 1914 does not count as qualifying service (*Vide* Article 358 C S R )

(ii) Since the temporary post is eventually made permanent and the Government servant is confirmed in it, service from 1-3-1914 counts (*Vide* Article 370 C S R )

Gross service from 1-3-1914 to 28-2-1939	<i>Y M D</i> 25 0 0
--	------------------------

Deduct leave with allowances other than P L  
or first four months of L A P

	<i>Y M D</i>
1-1-1919 to 30 4-1919	0 4 0
1 6 1922 to 31-8-1922	0 3 0
2-1-1926 to 1-5-1926	0 4 0
2-1-1936 to 1-5-1936	0 4 0
	<u>1 3 0</u>
Under Article 408 C S R	1 0 0 counts
Excess (Non qualifying)	0 3 0
Overstayal of leave (do)	0 0 4
Extraordinary leave (do)	0 1 0
Total Non qualifying service	<u>0 4 4</u>
Net quaunfying service in 24 years	<u>24 7 26</u>

Average emolments during the period 1-2-36 to 28-2-39

	Rate p m	Months
1-2 1936 to 31-3-1936 @	Rs 300	2
1-4-1936 to 31-3 1937 @	Rs 320	12
1-4 1937 to 30 6-1937 @	Rs 340	3
1-7-1937 to 31-7-1937 (extraordinary leave omitted)		
1-8-1937 to 30-4 1938 @	R s 340	9
1 5-1938 to 28 2- 939 @	Rs 360	10
Total		<u>36</u>

$$\text{Average emoluments} = \text{Rs } 300 + \frac{20 \times 12 + 40 \times 12 + 60 \times 10}{36}$$

$$= \text{Rs } 336-10-8$$

$$\text{Invalid pension} = 24/60 \times 346-10-8 = \text{Rs } 134-11-0 \text{ p m}$$

NOTE — Extraordinary leave of one month postpones his increment from 1 4 38 to 1 5 38

Q 22 Report on the pension admissible to an officer of the Zoological Survey of India of Asiatic Domicile from the following particulars and state if there would be a difference in his pension if

he should avail himself of refused leave for six months after the date of superannuation

Date of birth—16-7-1894 Date of appointment—15-2-1924  
 Date of confirmation—1-12-1924 Date of Superannuation 15-7-1949.  
 Extension of service till 15-7-1950 Leave applied for on 1-1-1948  
 was refused Leave other than privilege or full average pay leave  
 taken is only 11 months 24 days

Emoluments during the last three years—

Rs 950 p m substantive pay

Pay in a temporary substantive post as under

Rs 1,500 from 3-2-1947 and Rs 1,550 from 3-2-1948 to  
 25-1-1949

Leave salary from 26-1-1949 to 25-2-49

Increment fell due on 3-2-49 Pay at Rs 1,600 from 26-2-49  
 and Rs 1650 from 3-2-1950 to 15-7-1950 (S A S November, 1949)

Ans.

Y M D

Gross service from 1-12-1924 to 15-7-1950

25 7 25

Leave of 11 months and 24 days counts  
 under Article 408 C S R

The officer belongs to New Pension Rules  
 and as he has retired on superannuation  
 pension and also as the post he was holding is  
 one mentioned in Article 404A he is entitled  
 to add (4 7 0 years)

4 7 0

Net qualifying service (30 years)

30 2 15

The period of calculation for average emoluments is from  
 16-7-1947 to 15-7-1950

Rs A P

Average emoluments under 487 C S R for  
 the year is

950 0 0

Add half the increase on account of  
 officiating pay from 16-7-1947 to 31-12-1947  
 under 487A

$$= \frac{5\frac{1}{2} \times (1500 - 950)}{2 \times 36}$$

Total

42 2 0  
 992 2 0

Therefore, Pension = Rs 992-2-0  $\times \frac{1}{2}$  = 496-1-0

If the officer avails himself of the refused leave of six months  
 from 16-7-1948 in the date of retirement will be 16-1-1951 and the  
 period for calculation of average emoluments will in consequence be  
 from 16-1-1948 to 15-1-1951 In this case he loses the benefit of  
 Article 487A, C S R which applies only up to and inclusive of  
 31-12-1947 He will, therefore, be entitled only to a superannuation

pension of Rs 475 as against Rs 496-10 in the first alternative. Consuming the refused leave after the period of extension is, therefore, disadvantageous from the point of view of his pension

2 It would, however, appear from the question that the officer would take the refused leave from the date of superannuation which is given in the question as 15-7-1949. In this case he might consume the leave during the period of his extension in which case there is no difference in his pension

**Q. 23.** Comment on the propriety or admissibility of the following —

An officer has submitted a medical certificate of incapacity for further service. He is retained in active service pending decision on his application (S A S November, 1949)

**Ans.**

Under Article 455 C S R he should be invalided from the date of production of medical certificate. His retention pending a decision on his application is irregular except for special reasons to be reported to Government. Without the special orders of the authority which has power to sanction the pensions, service after the date of medical certificate does not count for pension

**Q. 24.** Report on the annuity admissible in the case of an I C S Officer who arrived in India on 17-11-1913 and retired with effect from 2-4-1949 during which period he had taken leave of 2 years, 11 months and 19 days of which ten months did not reckon as "active service" (S A S November, 1949)

**Ans.**

Gross qualifying service = 17-11-1913	Y	M	D
to 1-4 1949	35	4	16
Leave not counting as active service	0	10	0
Net Active Service (34 years)	34	6	16

As the officer has been in service for more than 25 years and has rendered more than 21 years 'active service' he is entitled on his resignation from the service being accepted to an annuity of Rs 10 666-10-8 subject to a minimum of £1000 per annum (Vide Article 561 C.S.R.)

**Q. 25.** Report on the pension admissible to an officer of the General List of the Indian Audit and Accounts service with the following particulars —

Date of birth 6-12 1892. Appointed as temporary clerk in a civil audit office 1-5-1914. Confirmed in a permanent post of clerk 14-4 1915. Services placed at the disposal of the Government of Madras from 1-7 1915. Extraordinary leave without allowances on

medical certificate from 9 10-1916 to 14-5 1917 On deputation to the office of the Field Commander of Military Accounts from 16-5 1917 to 24 5 1920 Combined leave from 17 12 1919 to 12 1 1920 of which first 26 days were with full pay and allowances and the balance of 1 day on medical certificate on half average pay Struck off in Military Department on 25 5 1920 and reverted to the parent office

Furlough on allowances 6 7 1920 to 7-7 1920 13 7 1921 to 26 7 1921 Promoted as Assistant Accounts Officer on 1 10 1924 and to the Class II of the General List of the Indian Audit and Accounts Service—20-8 1926 L A P for 4 months including Privilege leave for 14 days from 18 2 1927 L A P for 1 month and 19 days from 1 11-1933 L A P for 2 months and 10 days from 28-4 1938 With effect from 3 11 1938 he was given officiating promotion in Class I of the General List of I A and A S and allowed to draw the officiating pay admissible to him from time to time Reverted to the Class II of the General List from 1 3 1940 Promoted to Class I of the General List of the Indian Audit and Accounts Service from 1 10-1942 L A P from 1 1 1944 to 30-4 1944 Appointed as a Special Officer in the Government of India from 8 5 1944 on a pay of Rs 2600 It was certified that he would have officiated in Class II of the Accountant General's grade from 8 5 1944 in the scale of Rs 2250-100-2750 Leave on average pay—22 7 1946 to 28 10-1946 His pay from 8 5 1946—Rs 2700 He would have officiated in Class I of the Accountant General's grade from 15 4 1947 on Rs 3000

Financial Adviser from 15-4 1947 on a pay of Rs 3000 p m in the Government of India Reverted to Class II of the Accountant General's grade in the Audit Department from 16 10 1947 Extension of service up to 1 1 1949 and L A P for 6 months preparatory to retirement from 1 1 1949

The maximum limits for retiring and superannuation pensions for officers of the I A and A S are —

After 25 years qualifying service Rs 6000 26 years Rs 6200  
27 years Rs 6400 28 years Rs 6600 29 years Rs 6800 30 years  
Rs 7000 (S A S May 1950)

Ars

Y M D

Gross service from 14 4 1915 to 30 6-1949

34 2 17

Deduct leave with allowances other than P L

for the first four months of L A P

Y M D

Leave on half pay 12 1 20

0 0 11

Furlough 6 7 20 to 7 7 20

0 0 2

Furlough 13 7 21 to 26 7 21

0 0 14

L A P from 1 5 49 to 30-6 49

0 2 0

Leave without allowances

9 10-16 to 14 5 1917

0 7 6

Net qualifying service

33 7 11

} counts under  
Art 408 C S R

Class I-1 A & A S Lower Grade			A G's Grade Upper Grade		
	Y	M	D		Y M D
3-11-38 to 29 2-40	1	3	27	8- 5-44 to 15-10-47	3 5 8
1-10-42 to 7-5 44	1	7	7	16-10 47 to 30- 4-49	1 6 15
	2	11	4		4 11 23

As the officer was holding a post mentioned in Schedule IV to the Superior Service Rules and as his service has been proved for more than 30 years and his pay during the last three years exceeded Rs 14,000 per annum he is entitled to an ordinary pension of Rs. 7,000 per annum under Rule 13 (a) of the Superior Service Rules and a special additional pension of 2,500 per annum under Article 475A of the C S R, as he has rendered 4 years' effective service in the Upper Grade and 3 years in the Lower Grade provided that he is considered deserving the concession

**Q 26** From the following record of service calculate the rate of pension admissible to a senior Clerk of a Central Public Works Division

Date of birth—21-6 1894 Appointed as a leave reserve clerk—1-8-1913 Appointed as a temporary III clerk—1-1-1914 Temporary post of III clerk made permanent from 18-5 1914 and he was confirmed in that post from that date

Privilege leave for 4 months from 1-9 1921 to 31-12-1921 Appointed as II clerk—9-9-1930 Appointed as Head Clerk—10 9 1939 Appointed substantively to a permanent post of senior Clerk—1-4-1944 and pay fixed at Rs 192 p m in the scale of 80-5 120 8-200 with date of next increment on 1 4 1945 Appointed to work as Cashier in addition on a special pay of Rs 20/- p m from 1-4 1945

Dearness allowance at Rs 15/- p m from 1 4-1944 Interim relief at Rs 4 8 0 p m from 1-7 1945 to 31-12-1946 (Addition to pay), Dearness allowance changed to Rs 10 8 0 p m from 1 7-1945 Basic pay fixed at Rs 210 - p m in the prescribed scale of Rs 80 5-120-8 200/½-220 from 1-1-1947

Leave on average pay for 4 months from 24 1-1946 and in continuation leave on average pay on medical certificate for 2 months

Leave on average pay on medical certificate for 3 months from 2-10 1947 to 1 1-1948 Proceeded on leave on average pay for 2 months from 1 2-1948 preparatory to retirement.

Government of India extended the War Concession of counting half the dearness allowance towards emoluments for pension up to 31-12 1946  
(S A S May, 1950)

**Answer**

Date of birth 21 6 1894 Date of attaining 20 years 21 6 1914. The clerk's service prior to 21 6 1914 has to be excluded as he has not attained the age of 20 years (Article 358 (a) C S R)

	Y' M D
Gross Service from 21 6 1914 to 31-3-1948	33 9 11
Non qualifying service	Nil
Net service (30 years)	33 9 11

Average emoluments Period from 1-4-1945 to 31-3-1948				
Period	Pay	Allowance	Months	Rs
From 1 4 1945 to 30 -6-1945	200	20	3	660
From 1-7 1945 to 31-12 1946	200	20+4½	18	4041
From 1-1 1947 to 31 -3 1948	210	20	15	3453
			36	8151

Average emoluments =  $\frac{1}{36}$  of Rs 8151-0 0 or Rs, 226 6 8

Average dearness allowance				Months	Rs
From 1-4 1945 to 30 -6-1945	(i)	Rs 15		3	45
From 1-7 1945 to 31-12-1946	(ii)	Rs 10½		18	189
					<u>234</u>

Average Dearness Allowance =  $\frac{1}{36}$  of Rs 234 or Rs 6-6-8

Half average dearness allowance = Rs 3-4

Pension admissible =  $\frac{2}{3}$  of (average emoluments plus half average dearness allowance)

=  $\frac{1}{2}$ (Rs 226-6 8 + 3-4 0) = Rs, 114-13-0 p m

Q. 27 Calculate the pension admissible in the following case —

Date of Birth—1st March 1895

Appointed as a clerk in a civil accounts office against a temporary post for three months from the 1st April 1914 Appointed to officiate as a clerk in leave vacancies from 1st July to 30th September 1916 Appointed to a temporary post for three months from 1 10-1916 Appointed to officiate as a clerk from 1 1 1917

Confirmed as a clerk from 15th April 1917 Confirmed as a Superintendent from 1st June 1925 Promoted as Assistant Accounts Officer from 1st April 1934

Promoted to the Indian Audit and Accounts Service from 5th February 1936 Appointed to officiate in Class I from 1st May 1941 for six months Appointed to officiate in Class I from 1st February 1942 for three months Invalided from 1st September 1942

Had the following periods of Leave —

Leave on medical certificate for four months from 10th May 1919 Leave on average pay for four months and on half average pay for six months from 1st May 1927 Extraordinary leave for two months from 15th May 1930 Leave on average pay for two months and on half average pay for three months from 1st April 1931. Overstayed the leave by five days Leave on average pay out of India

for eight months from 1st April 1936 Special disability leave on average pay for three months and on half average pay for two months from 1st June 1938

He had elected to come under the new pension rules His pay etc., during the closing years of his service were as follows —

From	Pay	Compensatory allowance	Special pay for unhealthiness of locality
5 -2-1939	750		
1-12 1939	750	150	
5 -2-1940	800	150	
10-12 1940	800		100
1 -5-1941	1500		.
1-11-1941	850		

15-11-1941 to 15-12-1941 on foreign service in an Indian State

He was allowed pay at the rate of Rs 1000 p m (Rs 850 plus Rs 150 and also a house rent allowance of Rs 100 p m) From 16-12-1941 pay—Rs 850 p m From 1-2-1942—pay Rs 1500 p m From 1-5 1942 pay—Rs 900 p m (S A S November, 1950)

Ans.

Date of birth—1-3-1895 Date of confirmation—15-4-1917. Invalidated from 1-9-1942.

	Y M D
Gross service from 15-4-1917 to 31-8-1942	25 4 17

Less leave other than privilege leave and first 4 months of leave on average pay —

	In India	Ex India
	Y M D	Y M D
10-5-1919 to 9 -9-1919	0 4 0	
1-9-1927 to 29 -2-1928	0 6 0	
1-6-1931 to 31 -8 1931	0 3 0	
1-8-1936 to 30-11-1936		0 4 0
Total	1 1 0	0 4 0
Deduct under Article 408		
C S R	1 0 0	0 4 0
Non qualifying service	0 1 0	Nil
Extraordinary leave	0 2 0	
Overstayal of leave	0 0 5	
Net qualifying service (25 years)		0 3 5
		25 1 12

## Calculations of average emoluments under Article 486 C. S. R

		Rs	A	P.
1- 9-1939 to	4- 2-1940 @ Rs 750	3853	7	0
5- 2-1940 to	9-12-1940 @ Rs 800	8121	15	0
10 12-1940 to	4- 2-1941 @ Rs. 900	1667	5	0
5- 2 1941 to	30- 4-1941 @ Rs 950	2714	5	0
1- 5-1941 to	4- 2-1942 @ Rs 850	7836	7	0
5- 2-1942 to	31- 8 1942 @ Rs 900	6171	7	0
Total		30364	14	0

The officer has put in 25 years' qualifying service and retired on Invalid pension equal to 30/60ths of average emoluments of Rs 843-7 6 = Rs 421-12-0

## Increase under Article 487A C S R

		Rs	A	P
1-5-1941 to	31-10 1941 @ Rs 650 $\times \frac{1}{2}$	1950	0	0
1-2-1942 to	4- 2-1942 @ Rs 650 $\times \frac{1}{2}$	46	7	0
5 2-1942 to	30- 4 1942 @ Rs 600 $\times \frac{1}{2}$	857	2	0
Total for 36 months		2853	9	0

Increase in pension is half of Rs 2853-9 0/36 i.e., Rs 39-10-0  
Pension admissible is, therefore, Rs 421-12 0 plus Rs 39 10-0 i.e., Rs 461-6-0 or Rs 461 37.

NOTE —The officer should have had an increment raising his pay to Rs 850 on 5-2-41. This has not been given in the data but has been taken to account in calculating his pension as he has been given the pay Rs 850 from 1-11-1941 in the question.

Q. 28. Calculate the length of pensionable service in the following case —

Date of birth—1-2-1890 Date of appointment to a temporary post 1-3-1913 The temporary post to which he is appointed on 1-3-1913, is converted into a permanent post on 1-5-1915 on which date he is appointed substantively to it. Besides privilege leave or average pay leave not exceeding 4 months, he takes the following leaves —

Leave out of India with allowances—2 year 5 months 10 days.  
Without allowances, 3 months

Leave in India with allowances—2 years, 3 months, 5 days  
Without allowances 4 months

He applies for retirement from 1-3-1943

(S A S November, 1950)

Answer ·

Date of birth—1-2-1890 Date of retirement—1-3-1943

	Y	M	D
Gross service from 1-3-1913 to 28-2 1943	30	0	0

Deduct leave without allowances	0-7-0
---------------------------------	-------

Leave with allowances other than	
----------------------------------	--

P L etc

Out of India	2-5-10
In India	2-3-5
Total	4-8-15



Less leave which counts as service under Article 408 C. S. R.	Y	M	D	Y	M	D	Y	M	D
	4	0	0	0	8	15			
Non qualifying service							1	3	15
Net qualifying service (28 years)							28	8	15

Q 29 Comment on the following —

An officer due for superannuation on the 16th August 1951 to whom it is not found possible to grant leave applied for from the 16th May 1951 or to relieve from service on the date of superannuation, withdrew his application on condition that he should be retained in service up to the 16th December 1952, since he would have at credit in his leave account on the 16th August 1951, full average pay leave for 6 months and 10 days and half average pay leave for a further period of 9 months and 20 days. His proposal is that while continuing on duty from the 16th August 1951 he should be paid at the rate of leave salary on average pay for 6 months 10 days and thereafter at the rate of leave salary on half average pay plus pension on Superannuation as on the 16th August 1951 (S A S July, 1951)

Ans.

It is clear from the data given in the question that it is not proposed to retire the officer on 16-8 1951 or to grant him leave for three months on average pay applied for from 16-5-51. It follows, therefore, that his service will be extended after the date of superannuation. If such an extension is granted he can be allowed to take the refused leave of 3 months either during the period of extension of his service or on the date when his duties finally cease. His proposal to be paid the leave salary and pension in addition to duty pay is not in order in as much as (i) all leave other than the refused leave lapses to Government under F R 8 (ii) since he has not actually retired he is not entitled to be paid any pension in terms of Article 930 C S R (iii) the question of payment of leave salary cannot arise as the officer continues to be on duty and his case does not fall under Government of India decision below F R 69.

Q 30 (a) An officer due for superannuation on the 13th May, 1950 applied for leave from the 13th August 1949 on average pay for 3 months and 20 days followed by leave on half average pay for 4 months 10 days to thereby exhaust the total leave to his credit on that date. On the leave being refused in the exigencies of public service he renewed his application for the same period of leave from the 13th October 1949 and this was likewise refused but he was granted leave on average pay for 20 days only from the 27th December 1949. Report on the leave admissible to him on the 13th May 1950 (S A S July, 1951)

Ans.

The leave applied for on 13-8 1949 was not refused leave as it was leave preparatory to retirement. (F R. 86) The leave applied

for on 13-10-1949 was refused leave and this could be availed of from 13-5-50 up to a maximum of 6 months as follows : 3 months and 23 days on average pay and 2 months and 7 days on half average pay, the nature of leave he can thus take is determined by the leave at his credit in the leave account as worked out below—see Audit Instruction 7 below F. R. 86

	1/11th of duty			Balance of 2/11th		
	Y	M	D	Y	M	D
Leave at credit on 13 8-49	0	3	20	0	2	5
Leave earned, 13-8-49 to 26-12-1949 (0 4-14)	0	0	12	0	0	12
	0	4	2	0	2	17
Leave from 27-12-49 to 15 1-50	0	0	20			
Leave earned 16-1-50 to 12-5-50 (0-3-27)	0	3	12			
	0	0	11	0	0	10
Leave at credit on 13-5 50	0	3	23	0	2	27

NOTE —In the question it is given that he can avail of only 4 months and 20 days L.H.A.P. to thereby exhaust the total leave at his credit on that date. This means that he has only 2 months and 5 days at his credit in column '7' of the leave account

(b) An officer who was in receipt of substantive pay at Rs 400 in the scale of Rs 350-25 450 plus personal pay of Rs 30 per mensem was retired on the 18th December 1948, on compensation pension fixed at Rs 150 per mensem. He was re-employed on the 16th September 1949 in a pensionable post in the scale of Rs 300 20-400 with special pay of Rs 30, but elected immediately against earning a future pension. What would he have been eligible to draw for the month of November, 1950 after he had decided on the 31st October, 1950 to forego his pension and refunded the amount of pension already drawn up to that date?

Ans

On his re employment on 16 9-49 in the scale of Rs 300-20-400 the officer should have elected with reference to Art 514 C S R within three months from the date of his employment, whether or not he chose to draw his pension to enable him to count his former service for the purpose of further pension. The option exercised by him on 31-10-50 to forego his pension and to refund the pension already drawn up to that date was long after three months and is not in order. His initial pay on re employment would no doubt be Rs 300 in as much as his substantive pay prior to his retirement was only Rs 400 and he could draw pension of Rs 100 during his re employment, the balance of Rs 50 being partly held in abeyance in accordance with the provisions of Art 514 C S R. He was eligible to draw in November, 1950 pay of Rs 320 due to increment plus pension of Rs 100 as he could draw the increment without any corresponding reduction in pension in terms of Art 514 C S R.

(S A S July, 1951)

**Q. 31.** Calculate the amount of pension admissible to Mr. A recruited to a provincial Agricultural Service in 1922 on his retirement on the 13th October 1941.

(i) Allowed to retire on completing a total qualifying service of 27 years 2 months.

(ii) Pay Rs. 1000 on the 13th March, 1938 in his substantive appointment with annual increments of Rs. 50 accruing on the 13th October.

(iii) Officiating from the 13th December 1938 to the 12th April, 1939, on pay at Rs. 1250 in a post rendered vacant by the substantive holder going on foreign service. He drew in addition compensatory allowance of Rs. 100 and special pay of Rs. 100 granted for pulling up the work left in arrears by his predecessor.

(iv) Held a temporary appointment on Rs. 1500 from the 27th December 1940 to the 26th April 1941.

(v) Was on leave on average pay for 2 months from the 13th April 1939, leave on average pay for 1 month followed by leave on half average pay for 1 month from the 28th September 1940 and leave on average pay for 1 month preparatory to retirement.

(S.A.S. July, 1951)

Ans.

Period of calculation is from 13-10-38 to 12-10-41.

13-10-38 to 12-12-38	Rs. 1000
13-12-38 to 12-4-39	" 1250+Rs. 100
13-4-39 to 12-10-39	" 1000
13-10-39 to 12-10-40	" 1050
13-10-40 to 12-10-41	" 1100

Average emoluments=Rs 1089-0-2 under Art. 487 C.S.R.

Average emoluments=Rs. 1133-12-3 under Art. 487 (A) C.S.R.

Pension  $1089-0-2 + \frac{44-12-1}{2} \times \frac{27}{60} = \text{Rs } 500-2-0$

Limited to Rs 450 p.m. under Art. 474 A (iii) (a) of C.S.R.

**Q. 32.** Calculate the pension admissible to an assistant, who had opted out of 1950 Liberalised Pension Rules, with the following record of service :—

Date of birth—1-3-1899.

Joined service in a temporary post on 25-2-1924. The temporary post was converted into permanent post with effect from 1-11-1924 wherein, however, one of his seniors was confirmed. He was appointed substantively to a permanent post on 5-4-1925.

Leave on A.P. for 4 months and leave on H.A.P. for 4 months and 2 days in India, from 1-7-1928. Suspended from service as a specific penalty from 3-5-1930 to 2-7-1930, and re-instated in service

on 3-7-1930. He was allowed only subsistence grant for the period of suspension. Leave on A.P. for 6 months and leave on H.A.P. for 7 months and 20 days, in India, from 3-9-1933.

Study leave from 4-8-1936 to 3-12-1936. Leave on A.P. for 4 months and leave on H.A.P. for 6 months and extraordinary leave for 5 days in India, from 1-9-1944.

Leave on A.P. for 4 months and leave on H.A.P. for 3 months in India from 23-2-1949.

Retired from 1-3-1954.

He was drawing a substantive pay of Rs. 420 in the scale of Rs. 160-10 300-15-450 with effect from 6-9 1950. From 1-2-1952 he was appointed to officiate in a post, carrying higher responsibilities, on the scale of Rs 275-25-650. The vacancy from 1-2-1952 to 31-5-1953 was on account of the transfer of the permanent incumbent of the post to foreign service, while from 1-6-1953 to 28-2-1954 it was on account of the permanent incumbent having proceeded on leave on A.P. and H.A.P.

Ans.

Date of birth	1-3-1899
Date of commencement of qualifying service	5 4-1925
Date of retirement	1-3-1954
	Y M D
Gross service from 5-4-1925 to 28-2-1954	28 10 24
Less period of suspension from 3-5 1930 to 2-7-1930	0 2 0
	<hr/> 28 8 24

*Deduct leave with allowances other than P.L. and first 4 months of leave on A.P.*

	Y M D	
1-11 1928 to 2-3-1929	0 4 2	
3-1 1934 to 22-10-1934	0 9 20	
1-1 1945 to 30 6 1945	0 6 0	
28-6 1949 to 22 9-1949	0 3 0	
	<hr/> 1 10 22	
Less counting under Art 408	1 0 0	
Non-qualifying service	<hr/> 0 10 22	
Add Extraordinary leave from 1-7-1945 to 5-7-1945	0 0 5	
	<hr/> 0 10 27	
Net qualifying service		0 10 27
		<hr/> 27 9 27
		or
		27 years

Calculations of average emoluments from 1-3-1951 to 28-2-1954.

NOTE —The officer was officiating continuously in the higher post from 1-2-1952 to 28 2-1954 i.e., for 2 years before retirement. His officiating pay will count as emoluments under Art 487 B.

The officer is also entitled to the concession given by G I M F. Memo F. 15 (6) EV/52 dated 26-7-1952. As he retired between 15-7-1953 and 14-7-1955 his average emoluments will be

$$X + \left( \frac{Y-X}{2} \text{ or } \frac{X}{3} \text{ whichever is less} \right) + \frac{d}{2}$$

where  $X$  is average emoluments under Arts. 486 and 487.

$Y$  is average emoluments if his officiating service in the higher post is considered to be substantive and the higher post is permanent and  $d$  is dearness pay appropriate to

$$X + \left( \frac{Y-X}{2} \text{ or } \frac{X}{3} \text{ whichever is less} \right).$$

Average emoluments under Arts 486 & 487	Amount
1-3-1951 to 5-9-1951 @ Rs. 420	2,590
6-9-1951 to 31-1-1952 @ Rs 435	2,102.8
1-2-1952 to 31-1-1953 @ Rs 450	5,400
*1-2-1953 to 31-5-1953 @ Rs 475	1,900
1-6-1953 to 28-2-1954 @ Rs 450	4,050
	<u>16,042.8</u>

\*Officiating pay drawn in the higher post from 1-2-1953 to 31-5-1953 counts as emoluments under Art. 486(h) read with para 25, sec. III Manual of Audit Instructions.

$$\text{Average emoluments} = \frac{16042.8}{36} = \text{Rs. 445.10}$$

Average emoluments under Art 487-B	Amount
1-3-1951 to 5-9-1951 @ Rs 420	2,590
6-9-1951 to 31-1-1952 @ Rs 435	2,102.8
1-2-1952 to 31-1-1953 @ Rs 450	5,400
1-2-1953 to 31-1-1954 @ Rs. 475	5,700
1-2-1954 to 28-2-1954 @ Rs 500	500
	<u>16,292.8</u>

$$\text{Average emoluments} = \frac{16292.8}{36} = \text{Rs. 452.9.1} \cdot \frac{Y-X}{2} \text{ is less than}$$

$\frac{X}{3}$

$$\{(452.9.1 \text{ minus } 445.10) = \text{Rs. } 3.7.6.5$$

$$\text{Average emoluments} = \text{Rs. } 445.10.0 + 3.7.6.5$$

$$= \text{Rs. } 449.1.6.5$$

Dearness pay corresponding to this average emoluments is Rs 35

$$\text{Hence pension} = (449.1.6.5 + 35) \times \frac{11}{10}$$

$$= \text{Rs. } 242.0.9 \text{ or Rs. } 242.1.$$

(S.A.S. May, 1956)

Q. U. Calculate the pension admissible to a Government servant with the following record of service. He is governed by the Pension Rules in the C.S.R.—

Date of birth—1-10-1901

Joined service as L.D C against a temporary post—1 6-1926

Transferred to another permanent post of L D C —1 4 1928

Temporary post originally held by him made permanent from 1-3 1929

Leave on A P for 4 months and in continuation leave on H A P for 8 months from 1 9 1934 On foreign service in U K from 1 1 1935 to 30-6 1939 The foreign employer granted him leave on full pay for 6 months and in continuation half pay for 6 months with effect from 1 7 1938 Leave salary was paid by the foreign employer Study leave in India for 2 years from 1-1-1940

Leave on A P on medical certificate for 8 months and in continuation leave on H A P for 8 months from 1-5 1948

Leave on A P for 2 months from 1-4-1952

Leave on A P for 2 months from 1 12 1954

Leave on A P for 2 months and H A P in continuation for 2 months from 1 1 1956

Leave on A P for 4 months from 1 6-1956

Retired from service from 1 10-1956

On 1 6 1952 he was holding a permanent post of an U D C substantively and drawing pay @ Rs 192 p m in the scale of 80 5 120-8 200 10/2 220 with next increment due on 1 7 1952 On 1 6 1952 he was appointed to officiate in the scale of 160-10-300 and h s pay was fixed at the rate of Rs 200 p m On 1 2 1955 he was appointed to officiate as clerk in charge with a special pay of Rs 30 p m in addition to the pay in the scale of 160 10-300 It was certified that but for h s proceeding on leave he would have continued to officiate in the scale of 160 10 300 for the period from 1 12 1954 to 31 1 1955 and as clerk in charge for the periods from 1-1 1956 to 30 4 1956 and again from 1 6 1956 to 30-9 1956

Dearness pay might not be taken into account in working out the pension

(S A S November 1956)

Ans

Date of birth—1 10 1901

Date of commencement of service for qualifying pension 1 6 1926 vide Art 370 C S R

Date of superannuation—1 10 1956

Y M D

Gross service from 1 6 26 to 30 9 1956

30 4 9

Leave with allowances other than P L and first 4 months of leave on A P

	In India			Out of India		
	Y	M	D	Y	M	D
1- 1-1935 to 30-8-1935	0	8	0			
1-11-1938 to 30 6-1939				0	8	0
1- 9-1948 to 31-8-1949	1	0	0			
1- 3-1956 to 30-4-1956	0	2	0			
	1	10	0	0	8	0

Less counting under

Art. 408

Non-qualifying service

Net qualifying service

1	10	0	0	8	0
0	0	0	0	0	0

Nil

30 4 0

or

30 years.

Calculations of average emoluments from 1-10-1953 to 30-9-1956

Average emoluments under Art. 487

Rs. As. Ps.

1-10-1953 to 30-6-1954 @ Rs. 200

1,800 0 0

1- 7-1954 to 30-6-1956 @ Rs. 210

5,040 0 0

1- 7-1956 to 30-9-1956 @ Rs. 220

660 0 0

7,500 0 0

∴ Average emoluments =  $\frac{7,500}{36}$  = Rs. 208-5-4.

Average emoluments under Art. 487B

Period  
Months

Rs.

1-10-1953 to 31-5-1954 @ Rs. 210

8

1,680

1- 6-1954 to 31-1-1955 @ Rs. 220

8

1,760

1- 2-1955 to 31-5-1955 @ Rs. 220+30

4

1,000

1- 6-1955 to 31-7-1956 @ Rs. 230+30

14

3,640

1- 8-1956 to 30-9-1956 @ Rs. 240+30

2

540

8,620

∴ Average emoluments =  $\frac{8,620}{36}$  = Rs. 239-7-1

$\frac{1}{2}$  Difference between the average emoluments

$$= \frac{239-7-1 \text{ minus } 208-5-4}{2} = \frac{31-1-9}{2}$$

= Rs. 15-8-10.5

∴ Pension =  $\frac{3}{8} \times (208-5-4 \text{ plus } 15-8-10.5)$

$$= \frac{1}{2} \times (223-14-2.5)$$

= Rs. 111-15 p m. or Rs. 111.95

(Rounded to nearest 5 naya Paisa)

NOTE—1 Special pay of Rs 30 has been counted in calculating average emoluments under Art 487A in accordance with C & Ar Genl.s' letter No 820-NGE 1/105-155 dated 2-5-1955 presuming the Government servant belongs to the Audit and Accounts Department

2 It is presumed that leave from 1 7-1938 to 30 6-1939 was spent out of India

3 It is also presumed that pension contributions were recovered during the period of foreign service

4 Period of study leave counts for pension as duty

**Q. 34.** Calculate the pensionable service and report on the pension admissible to a member of the IES (Mens' Branch) from the following particulars.—

Date of birth—1893

Appointed to the IES from 1-7-1920 L A P for 4 months combined with leave on H A P for 4 months out of India from 1 9 1923 Leave on A P in India for 3 months and in continuation leave on half A P for 6 months from 27-10-1927

L A P in India from 1-8 1931 to 8 10-1931 with vacation from 9 10 1931 to 31 1 1932 affixed to it

Promoted to the Selection Grade (Lower) of the IES in the scale of 1,250 50 1500 plus overseas pay of Rs 300 a month on 1-7 1936

L A P out of India for 4 months from 2-9 1937

On deputation out of India from 2 1-1938 to 1-1-1939

L H A P out of India for 1 year and 6 months from 2 1-1939

Compulsorily recalled to duty and was in transit to India from 2 1-1940

Resumed duties in India on 24 1 1940 Promoted to the Higher Selection Grade of the service in the scale of 1,550 100-1,750 plus overseas pay of Rs 300 p m from 1 7-1940

L A P, out of India for 6 months and in continuation on L H A P for 3 months from 3-11-1945

Officiated as the Director of Public Instruction, UP continuously from 1 1 1947

Leave in India preparatory to retirement on A.P for 8 months and L H A P for the remaining period from 1-5 1947 to 30 6 1948 and retired from 1-7-1948

The officers' substantive pay rose to Rs 1,750 plus overseas pay at Rs 300 from 1 7 1945 From 1 4 1945 he officiated in the scale of 2,500-100 3 000 and his substantive pay in that scale was fixed at Rs 2 600 on 1-1-1947 (S A S November, 1958 and January, 1949)

**Ans.**

Date of birth 1893 This is to be taken as 1-7 1893

Date of commencement of service 1 7 1920

Date of retirement 1-7 1948

Age at entry 27 years.

Gross service from 1 7-1920 to 30 6 1948

Deduct leave with allowances other than

P L and first 4 months of leave on A P

Y M D

28 0 0



	In India			Out of India			
	Y	M	D	Y	M	D	
1- 1-1924 to 30-4-1924				0	4	0	
27 1 1928 to 26-7-1928	0	6	0				
1-12-1931 to 31-1-1932	0	2	0				
2 1 1939 to 1 1 1940				1	0	0	
3- 3 1946 to 2 8 1946				0	5	0	
1 9 1947 to 30-6 1948	0	10	0				
	1	6	0	1	9	0	
Less counting under Art 408	1	0	0	1	9	0	
Non-qualifying service	0	6	0				
					0	6	0
					27	6	0
Add qualifying service under Art 404A					2	0	0
Net qualifying service					29	6	0

Certified that the qualifying service for pension of Mr IES has been proved to be over 29 years and as his average emoluments during the last 3 years of his service was far in excess of Rs 13 600 p a, he is entitled to the superannuation pension of Rs 6,800 p a vide rule 13(a) of the Superior Service Rules, 1924

Effective service for special additional pension

	Upper Grade			Lower Grade		
	Y	M	D	Y	M	D
1-7 1936 to 1 1 1939				2	6	1
24-1-1940 to 31 3 1945				5	2	8
1 4 1945 to 2 3 1946	0	11	2			
3 8-1946 to 31-8 1947	1	0	29			
	2	0	1	7	8	9

He has put in 7 years effective service in the Lower Grade and 2 years in the Upper Grade. As such he is entitled to the special additional pension of Rs 2500 = [(5 × 300) + (2 × 500)] p a under Art 475A if he is considered to have shown such special energy and efficiency deserving of this concession.

NOTES — 1 The period of deputation from 2 1 1938 to 1 1 1939 counts as service under Art 412 C S R

2 The period of voyage to India does not count as the leave from which he was recalled was on half A P

3 First four months of leave including vacation count for active service.

Q 35 Calculate (i) the length of qualifying service and (ii) the ordinary and special additional pension admissible to an officer of the I A & A S from the following particulars —

Date of birth—25-8 1895      Joined service—22 8 1920  
Retired —25 8 1950      Domicile Asiatic

He took the following leave —

L A P for 4 months from 1-1 1925

L A P for 4 months and in continuation L A P on medical certificate for 4 months and L A P for 1 year from 1-7 1931

Leave on A P for 8 months in India and in continuation L H A P for 6 months from 1 2 1939

L A P for 4 months and in continuation L A P on medical certificate for 4 months from 1 1 1945

L A P for 8 months and in continuation L H A P for 4 months from 25 8 1949 preparatory to retirement

He officiated in Class I of the I A & A S from 1 4 1940 to 31 10 1940 and from 1 4 1943 to 28 2 1944 Confirmed in Class I of the I A & A S on 1 3 1944 Officiated as Accountant General from 16-6 1947 to 29 2 1948 and from 1 12 1948 to 31 7 1947 Confirmed as Accountant General on 1-8-1949

[S A S January, 1952]

Ans

Date of birth 25 8-1895

Joined service 22 8 1920

Retired from 25 8 1950

Y M D

Gross service from 22 8 1920 to 24 8 1950 30 0 3

Deduct leave with allowances other than P L and first 4 months of leave on A P

1 11 31 to 28 2 1933 1 4 0

1 6 39 to 31 3 1940 0 10 0

1 5 45 to 31 8 1945 0 4 0

15 12 49 to 24 8 1950 0 8 0

3 2 0

Less counting under Art 408 2 0 0

Non qualifying service 1 2 0

Net qualifying service 28 10 3

Lower Grade

Upper Grade

Y M D

Y M D

1 4 1940 to 31 10 1940 0 7 0 16- 6 47 to 29 2 1948 0 8 14

1 4 1943 to 30 4-1945 2 1 0 1 12 48 to 24 12 1949 1 0 24

1 9 1945 to 15 6 1947 1 9 15

1 3 1948 to 30 11-1948 0 9 0

5 2 15

1 9 8

The officer has completed 28 years of qualifying service and was drawing pay more than Rs 13 200 p a during the last three years He is entitled to a maximum superannuation pension of

Rs. 6,600 p a under Rule 13 of the Superior Service Rules as the post held by the officer is included in the Schedule IV. In addition he is entitled to a special additional pension of Rs 2,000 p a under Art 474A as shown below —

Special additional pension = Rs  $5 \times 300 + 1 \times 500$  = Rs 2,000

In case the officer has elected the Liberalised Pension Rules he is entitled to —

Retiring gratuity = Rs  $1500 \times \frac{9}{20} \times 28$  or Rs 18,900

Pension Rs 6,300 p a [paragraphs 1 and 3(3) of Liberalised Pension Rules]

Q. 36 Calculate (i) the length of qualifying service and (ii) the pension admissible to an Assistant Accounts Officer from the following particulars —

Date of birth—1-5-1895 Joined service of the A G U P as a clerk in leave vacancy on 1-2-1920 Appointed to a temporary post of a clerk in that office without break in service from 1-5-1920. This temporary post was abolished on 31-7-1922 A N and he was appointed to another temporary post of clerk in the same office from 1-8-1922 The latter post was subsequently made permanent on 1-4-1923, and he was confirmed therein on that date Passed the S A S Examination in November, 1935 Appointed to officiate as an Assistant Accounts Officer from 16-6-1945, and confirmed as an Assistant Accounts Officer on 1-8-1946 Retired on superannuation pension on 1-5-1950 He took the following leave during his entire service

L A P for 2 months from 10-2-1925

L A P for 4 months and in continuation L A P. for 4 months on medical certificate from 1-2-1931

L A P for 4 months and in continuation L H A P for 6 months and 20 days from 1-5-1936

L A P for 3 months from 15-6-1940

L A P. for 8 months on medical certificate from 1-5-1944.

L A P for 4 months and in continuation L H A P for 2 months preparatory to retirement from 1-11-1949

He drew pay of Rs 535 on 1-8-1946 in the scale of Rs 500-35 850, his annual increment accruing on the 16th June every year

He opted of the Pension Rules promulgated in April, 1950

(S.A.S January, 1952)

Ans.

Date of birth 1-5-1895

Joined service 1-2-1920

Retired on 30-4-1950

	Y	M	D.
Gross service from 1-8-1922 to 30-4-1950	27	9	0
<i>Deduct leave other than P L and first four months of leave on A P.</i>			
	Y.	M.	D
1 6-1931 to 30- 9-1931	0	4	0
1 9-1936 to 20 6-1937	0	9	20
1-9-1944 to 31-12-1944	0	4	0
1-3-1950 to 30 4-1950	0	2	0
	1	7	20
Counting under Art 408	1	0	0
Non-qualifying service	0	7	20
Net qualifying service		0	7 20
		27	1 10
			or 27 years

NOTE —Temporary service counts under Art 370 from 1 8 22.

Average emoluments from 1-5 47 to 30-4-50

	Rs	A	P
1-5-47 to 15 6-47 @ Rs 535 p m	802	8	0
16-6 47 to 15-6 48 @ Rs 570 p m	6,840	0	0
16 6-48 to 15-6-49 @ Rs 605 p m	7,260	0	0
16-6-49 to 30 4-50 @ Rs 640 p m	6,720	0	0
	21,622	8	0

Average emoluments =  $21622\frac{1}{2} \div 36 = \text{Rs } 600 - 10$

Pension =  $600 - 10 \times \frac{1}{4} = \text{Rs } 300 - 5 \text{ p}$

Q 37. Calculate (i) the length of qualifying service and (ii) the ordinary pension admissible to an officer of the I A & A S., of Asiatic domicile, under the Special, Leave Rules from the following particulars —

- (i) Date of birth—1-1 1897
- (ii) Joined service as a probationer on 1-1-1922
- (iii) Retired as Accountant-General from 1-1-1952
- (iv) L A P for one month and in continuation extraordinary leave for 2 months from 1 12-1922
- (v) Leave on A P for 6 months from 1-1-1930
- (vi) Study leave outside India for one year from 1-1-1932
- (vii) L A P for 4 months from 1 6 1940, followed by L A P on medical certificate for 4 months and L H A P for 3 months
- (viii) Special disability leave for 3 months from 1 8 1945
- (ix) L A P outside India for 3 months from 1-7 1946
- (x) On deputation outside India for 3 months from 1-10-1946
- (xi) L A P outside India continued for 3 months from 1-1-1947
- (xii) L A P for 8 months from 1-1-1951 and, in continuation leave on half average pay for 4 months preparatory to retirement

(b) State quoting rules whether the grant of special additional pension follows automatically on an officer's having served in a post carrying such pension  
(S A S July, 1952)

Ans

Date of birth 1-1 1897  
Joined service 1-1-1922  
Retired from 1-1-1952

Y M D.  
30 0 0

Gross service from 1-1 22 to 31-12 51  
Less leave with allowances other than  
P L and first four months of Leave  
on A P

Y	M	D
0	2	0
0	7	0
0	2	0
0	8	0
<hr/>		
1	7	0
2	0	0
<hr/>		
Nil		

Counts under Art 408

Leave without allowances  
1 1 23 to 28 2 23

0 2 0  
29 10 0  
or 29 years

NOTE 1 Service as a probationer qualifies [Art 373]

2 Study leave and special disability leave for first 4 months count  
[Art 407]

Deputation out of India counts [Art 412]

As the officer retired as Accountant General he can be presumed to have drawn at rates higher than Rs 14 000 p a during the three-years. As such he is entitled to an ordinary pension of Rs 68 00 p a under rule 13 (a) of the Superior Civil Service Rules

(b) Merely because the officer was Accountant General he is not entitled automatically to draw additional pension. The additional pension is accorded subject to the condition that the service rendered is approved as satisfying the standard of work and conduct required in the special conditions of the post of duty

Q 38 An officer who was holding a permanent post substantively on 30 9 38 and who continues to be governed by the Pension Rules in force before 17-4-50 has rendered 2½ years' service in posts qualifying him for lower additional pension and 1½ year's service in posts qualifying for higher additional pension. What is the special additional pension per annum admissible to him?

(S A S July, 1952)

Ans

9 months' service in the upper grade can count for special additional pension in the lower grade. As such the service of the officer in the upper grade will be 1 year and in the lower grade it will be 3 years. Accordingly the officer is entitled to Rs 500+900 = Rs 1400 p a as special additional pension provided the officer has rendered approved service [Art 475A (2) and (3) C S R]

**Q 39** Calculate from the following data, the length of qualifying service for invalid pension of an officer who has been on active duty (excluding leave periods) for 19 years —

(i) On L A P for 4 months followed by extraordinary leave for 4 months

(ii) On L A P on medical certificate for 4 months

(iii) On quarantine leave for 30 days

(iv) Under suspension, as a specific penalty, for two months

(v) On study leave in the U K. for 18 months

(S A S, Jul), 1952)

Ans

The length of qualifying service Active duty (excluding leave periods)	Y	M	D
19	0	0	
Leave on A P	0	4	0
Leave on A P on m c	0	4	0
Quarantine Leave	0	1	0
Study leave	1	6	0
	21	3	0
Total qualifying service for invalid pension			21 years

Extraordinary leave and period of suspension adjudged as a penalty do not count [Art 416]

**Q. 40.** An Upper Division Clerk drawing a substantive pay of Rs 200 p m in the scale of 80 10—etc 220 p m and a special pay of Rs 15 p m for officiating as Assistant Superintendent of a section in an Accountant General's Office (this special pay counts for pension) is appointed 'on probation' to the permanent vacant post of a selection grade clerk, with higher duties and responsibilities, in the scale of 160 10-300 p m. He retires 8 months after his promotion to the selection grade while still, 'on probation'. Calculate his 'emoluments' for the purpose of pension, during 8 months.

Will it make any difference in his 'emoluments' if all the posts of Assistant Superintendents are abolished in his office from the date of introduction of the "selection grade". [S.A S, January, 1953]

Ans.

Under F.R. 22 (a) (i) the U D C. on his appointment on probation to the permanent vacant post of a selection grade will get

Rs 210 p m Under rule 2 (b) of Art 486 C S R the emoluments in his substantive appointment as Assistant Superintendent or as a selection Grade Clerk whichever is more favourable to him will be taken into account As his substantive pay of Assistant Superintendent viz Rs 200 plus Rs 15 is higher than his pay in the selection grade viz, Rs 210, his emoluments for the purpose of pension during 8 months of probation will be Rs 215

In case all the posts of Assistant Superintendents are abolished from the date of introduction of selection grade, his emoluments for purpose of pension will be Rs 210

**Q. 41.** An Officer of Asiatic domicile has the following record of service —

Date of birth—17-5 1889 Joined Service—14-9-1908

Held non gazetted permanent appointments from 14 9-1908 to 1-12-1922 during which period he was granted—

Leave on m c from 17-8 1916 to 16 3-1917

Leave on A P outside India from 2-12-1924 to 7-7-1925

Leave on A P from 1 3-1928 to 30-6-1928

Study leave outside India from 1-1-1930 to 31-12-1930

Leave on A P on m c for 8 months combined with leave on H A P for 14 months from 10-8 1934

Extraordinary leave from 1-8 1938 to 31-10-1938

Calculate his service qualifying for pension on 1-1-1939.

If he had been promoted substantively on 1-1-1935 to a post listed in Art 349A C S R in the grade of Rs 750 50-1,000, calculate retiring pension as on 1-1 1939 (*S A S January, 1953*)

Ans.

Date of birth 17- 5-1889

Joined service 14- 9-1908

Boy service upto 16- 5-1909

Service qualifies from 17- 5-1909

*Y. M. D.*

Gross service from 17-5-1909 to 31-12 1938

29 7 15

Deduct leave other than P L and

first 4 months of leave on A P.

	Out of India	In India
	<i>Y M D</i>	<i>Y M. D.</i>
17- 8-1916 to 16-3-1917		0 7 0
2- 4-1925 to 7 7-1925	0 3 6	
10-12-1934 to 9-6 1936		1 6 0
	<hr/> 0 3 6	<hr/> 2 1 0
Less admissible under		
Art 408	0 3 6	1 0 0
Non qualifying service	<hr/> 0 3 6	<hr/> 1 1 0

Leave without allowances

1-8-1938 to 31-10-1938

$\frac{0 \ 3 \ 0}{1 \ 4 \ 0}$

Net qualifying service

$\frac{1 \ 4 \ 0}{28 \ 3 \ 15}$   
or 28 years

Calculation of emoluments

Total Rs.

1-10-35 to 31-12-35 @ Rs. 750 p m

2,250

1- 1-36 to 31-12-36 @ Rs. 800 p.m.

9,600

1- 1-37 to 31-12-37 @ Rs. 850 p m

10,200

1- 1-38 to 31- 7-38 } @ Rs. 900 p m

8,100

1-11-38 to 31-12-38 }

Total 30,150

Average emoluments = 30,150 ÷ 36 of Rs. 837-8

Retiring pension = Rs 837-8 ×  $\frac{1}{2}$  = Rs 418-12 p.m. in case of officers listed in 474A(i).

$= 837-8 \times \frac{28}{60} = \text{Rs. } 390-13$  for other officers.

**Q. 42.** Calculate the length of pensionable service in the following case of an officer —

Date of birth—1 3 1886

Appointed to a temporary post on 1-4-1909.

Appointed to officiate in a post which was substantively vacant from 1-3 1910 to 30-4-1912

The temporary post on which he was first appointed was converted into a permanent post on 1-5-1912 and he was confirmed in that post with effect from the same date

Besides P L. on A P. not exceeding 4 months, the officer availed himself of the following leave —

Leave with allowances out of India 1 year 7 months

Leave with allowances in India 3 year 8 months

Study leave out of India 1 year

Extraordinary leave out of India 3 months

Superrannuated on 1-3 1941. [S A.S. January 1953]

Ans.

Date of birth 1-3-1886

Joined service 1-4-1909

Retired from 1-3-1941

Y. M. D.

Gross service from 1-4-1909 to 28-2-1941

31 11 0

Less leave other than P.L. and first four months of leave on A.P. —



	Out of India			In India			
	Y.	M	D.	Y	M	D	
Availed of	1	7	0	3	8	0	
Counts under Art 408	1	7	0	2	0	0	
Non-qualifying leave	nil			1	8	0	
Extraordinary leave				0	3	0	
				1	11	0	
Net qualifying service							1 11 0
							30 0 0
							30 years

NOTE.—1 Service from 1-4 1909 to 28-2-1910 qualifies under Art 370

2 Service from 1 3 1910 to 30-4-1912 qualifies under Art 371

8 Study leave is treated as qualifying service

**Q 43.** Examine the propriety of the following —

The special additional pension of a Superintending Engineer of the I S E was reduced by a State Government, in view of the unsatisfactory nature of his service [S A S Jul, 1953]

**Ans.**

Under the provisions of Art 314 of the Constitution of India, the State Government cannot reduce the special additional pension of the I S E officer as the service conditions of this service are controlled by the President (formerly by the Secretary of State)

**Q. 44** Calculate the qualifying service for pension in the following case —

Date of birth—2 2-1900 Entered service—8 3 1918 held temporary appointment in class IV service till 7-12-1920 when he was confirmed remained suspended from 1-1-1922 to 15-2-1922. No orders were passed recording penalties to be enforced Promoted to superior service in an officiating capacity on 7-6-1923 and confirmed therein on 7-12-1923, leave on m c for 8 months in 1925 and 1 year in 1928-29 L A P for 4 months from 1-12 1939 followed by leave on  $\frac{1}{2}$  A P for 4 months Resigned service on 1-7-1942 and was re appointed to a different post in superior service on 3 7-1942 Retired on 1-1-1952 (Service for 3 years cannot be verified from service record in the Audit Office)

Report on the pension admissible, both as regards the conditions and the amount The emoluments drawn by him during the last 3 years of his service are given below —

From 1-1-1949 to 31-12-1949—Rs 300 pay and Rs 50 D A

From 1-1-1950 to 30-6-1950—Rs 325 pay and Rs. 50 D.A

From 1-7-1950 to 30 11-1950—Rs 250 pay and Rs. 35 D A, having been reduced as a punishment.

From 1-12-1950 to 31-12-1950—Rs 325 pay and Rs. 50 D, A.

From 1 1 1951 till date of retirement appointed to officiate on  
Rs 375 pay and Rs 60 dearness allowance [S A S July 1953]

**Ans**

(i) Presuming that the interruption of service for 2nd July 1942 is condoned under Art 422 C S R and also that the appointment in the superior service after retirement is in a pensionable post his qualifying service will be as below —

Date of birth	2 2 1900	
Date from which service counts for superior pension	7 12 1923	[Vide Art 371
Retired on	1- 1 1952	Y M D
Gross service from	7 12 23 to 1-7 1942	
and	3 7-42 to 1-1 1952	28 0 25
Less leave other than P L and first 4 months of leave on A P		
	Y M D	
1925	0 8 0	
1928 29	1 0 0	
1 4 1940 to		
31 7 1940	0 4 0	
	<u>2 0 0</u>	
Counts under Art 408	1 0 0	
Less non qualifying leave	1 0 0	
Net qualifying service		<u>1 0 0</u>
		27 0 25
		or 27 years

(ii) In case the interruption is not condoned and the re appointment is in a post qualifying for pension the qualifying service in the second post will be as below —

3 7-42 to 1 1 52 9 yrs 6m

In case of (i) the pension is calculated below  
Calculation of average emoluments in the case (i)

		Rs	as p
2 1 1949 to 31 12-49	(r) Rs 300 p m	3590	5 2
1 1 1950 to 30 6 50	(@) Rs 325 p m	1950	0 0
1 7 1950 to 30-11 50	(a) Rs 250 p m	1250	0 0
1 12 1950 to 1 1 52	(a) Rs 325 p m	4235	7 9
		<u>11,025</u>	<u>13-36</u>
		or Rs	306-4

$$\text{Pens on} = 306 - 4 \times \frac{27}{80} \text{ or Rs } 301-6 \text{ p m}$$

$$\text{Retirement gratuity} = \frac{9}{20} \times 325 \times 27 = \text{Rs } 3,948-12-0$$

It is presumed that the service [for 3 years is verified under Art

915 (a) (iv) and that the officer is either included in Art 349A or is retiring on invalid or compensation pension

In case of (ii) the officer will be entitled to a gratuity equal to 7½ months' emoluments provided he was invalided or was retired on compensation pension i.e.,  $\frac{31}{4} \times 325 = \text{Rs } 2,518.12$

*Inferior qualifying service*

From 8 3 1918 to 6 6 1923 = 5 years 2m 29 days He is entitled to gratuity = 5 times the emoluments in the inferior post as he was confirmed in the inferior scale on 7 12 1920

Q 45 Calculate (a) the net qualifying service and (b) the ordinary and special additional pension admissible to an officer of the I A & A S from the following particulars —

Date of birth	26 6 1897
Joined service	1 9 1921
Domicile	Asiatic
Retired with effect from	26 6 1952

Total leave with allowances taken during entire service (excluding leave on A P not exceeding 4 months at a time and the first 4 months of such leave in excess of 4 months) —

- (i) Out of India 2 years 7 months and 15 days
- (ii) In India 2 years 8 months and 10 days

Leave taken from 1 10 1944 was as follows —

Leave on A P for 4 months combined with leave on H A P for 2 months and 10 days from 1-7 1949

Leave preparatory to retirement for 6 months of which 2 months were on H A P from 26 12 1951

Officiated in Class I of the I A & A S from 1 10-1944 to 15 4-1945 from 1 12 1945 to 15 6 1946 and from 1 8 1947 onwards

Confirmed in Class I of the I A & A S from 1-11 1947

Officiated as Accountant General Class II from 11 1 1950 to 18 10 50 from 1-2 1951 to 16-5 1951, and from 1 10-1951 onwards

Confirmed as Accountant General Class II on 1 11 1951

(S A S January 1954)

Ans

(a)	Date of birth	26-6 1897
	Joined service	1 9 1921
	Domicile	Asiatic
	Retired from	26-6-1952



S.A.S accountant permanent

1-12-1935

Leave on A P from 2 7-1937 to 19-7-1937

Leave on M C for 8 months on A P. and 2 months on H A P.  
from 20 9 1939

Officiating Assistant Audit Officer in a permanent vacancy from  
1-3 1952

Leave preparatory to retirement for 4 months on A P and 2  
months on H A P from 1-6-1953.

Date of retirement—1-12-1953.

NOTE --The pensionary concession allowing a portion of officiating pay to  
count for pension is in force till 1958

(S A S July 1954)

Ans

Date of birth	1- 6-1898
Date of commencement of service	1- 3-1928
Date of retirement	1-12-1953

Y M D

Gross service from 1-3-28 to 30-11-53

25 9 0

Deduct leave other than P L and first  
months of leave on A P —

Y M D

20- 1-40 to 19- 7-40

0 6 0

1-10-53 to 30-11-53

0 2 0

0 8 0

Counting under Art 408

0 8 0

Non qualifying

Nil

Qualifying service

25 9 0

or

25 years

The officer drew Rs 605 from 5-7-47 as an A A O under  
F.R. 31 as he was drawing Rs 600 as an S A S accountant when  
he was promoted to the higher scale.

Calculation of average emolument from 1-12-50 to 30-11-53

	Rate	period	Emoluments Rs AS P.
1-12-50 to 29- 2 52	600	15 months	9,000 0 0
1- 3 52 to 30 6 52	745	4 "	2,980 0 0
1- 7 52 to 4- 7-52	745	4 "	96 2 0
5 7-52 to 4- 7 53	780	12 "	9,360 0 0
5- 7 53 to 30 11-53	815	4 27 31 "	3,969 13 0
			25,405 15 0

$$\text{Average Emoluments} = \frac{25405 \cdot 15}{36} = \text{Rs } 705 \cdot 12$$

Additional officiating pay under Art 487 B

			Rs	AS	P
1	12-1950 to 4-7-1951 for	$7 \frac{4}{31}$ ms @ Rs. 110	784	3	0
5	7-1951 to 29-2-1952 for	$7 \frac{27}{31}$ ms @ Rs 145	1,141	5	0
			<hr/>		
			1,925	8	0

Additional officiating pay to A E

$$= \frac{1925-8}{36} \times \frac{1}{2} = \text{Rs } 26 \cdot 12$$

$$\text{Pension} = \frac{(705 \cdot 12) + (26 \cdot 12) + (42 \cdot 8)}{2} \text{ on a/c of D P.}$$

$$= \frac{775}{2} = \text{Rs } 387 \cdot 50$$

**Q 47** An officer of the Indian Audit and Accounts Service recruited on 1-7-1924 has retired on a superannuation pension from 1-7-1954. Particulars of his service from 1-1-1950 till his date of retirement are given below

Appointed to officiate continuously in Class I of the I A & A S on the scale of the 1,500 60-1 800 and posted to a temporary post of Senior Accountant General, Bengal from 1-6-1950

Leave on A P from 2-6-1951 to 1-8-1951

Officiated again in Class I of the I A & A S from 2-8-1951  
Confirmed in Class I of the I A & A S from 1-10-1951

Appointed to officiate as Accountant General Class II from 1-2-1952 till retirement.

Calculate the special additional pension admissible to him

**Ans**

Period	Lower Grade	Upper Grade
	Y M D	Y M D
1-6-50 to 31-1-52	1 8 0	
1-2-52 to 30-6-54		2 5 0
Add 4 months from Upper Grade	0 4 0	or 2 years
	<hr/>	
	2 0 0	
	or 2 years	

The officer is entitled to special additional pension of Rs 1,60 (2 × 300 + 2 × 500) if his service is approved under Art 475A. It has

been presumed that he would have continued to officiate in Class I of the LA & AS for the period of leave as he is officiating continuously

If it is otherwise, he is entitled to special pension of

Rs 1,300 =  $(300 \times 1 + 500 \times 2)$  (S A S July, 1954)

**Q 48** Calculate the length of qualifying service and determine the superannuation and special additional pension admissible to an officer of the ISE, with the following record of service —

Born 1-9-1890

Joined the service—4 11-1913 Domicile-Asiatic

Assistant Engineer from 4 11 1913

Elected New Pension Rules of 1919

Officiating Executive Engineer from 6 11-1919

Executive Engineer substantive from 1 10 1921

Leave Ex-India for 16 months from 1-1 1932, for which the first 4 months was leave on A P and the rest leave on H A P

Leave on A P on M C for 5 months from 1-4 1936 Overstayed the leave by 15 days

Special disability leave for 4 months on A P and for 2 months on H A P from 25-1-1937

Officiating Superintending Engineer from 5-4-1940

Reverted as Executive Engineer from 1-3-1941

Officiating Superintending Engineer from 1-1-1942

Reverted as Executive Engineer from 1-7-1942

On foreign service for 1 year from 1-2-1943 He was given officiating promotion to the rank of substantive Superintending Engineer from 1-3-1943

Reverted to Government service and officiating as Superintending Engineer from 1-2 1944

Substantive Superintending Engineer from 9-11-1944 He drew the following pay and allowances —

From 1-3-1941 Pay Rs 1,375 p m and special pay of Rs 100 p m

From 1 1 1942 Pay Rs 1,750 p m

From 1-7-1942 Pay Rs 1,375 p m

From 1-2 1943 Pay Rs 2,000 p m

From 1-2 1944 Pay Rs 1,850 p m

From 1 6-1944 Pay Rs 1,950 p m

From 1 6 1945 Pay Rs 2,050 p m

Retired from 1-9-1945

(S A S May, 1955)

**Ans.**

Date of birth 1 9-1890

Date of retirement 1 9 1945

	Y	M	D
Gross service from 4-11 1913 to 31-8 1945	31	9	28
<i>Deduct</i> leave with allowances other than P L. and first 4 months of leave on A P			
	Y	M	D
Leave out of India 1 5-32 to 30-4-33	1	0	0
Leave in India 1-8 36 to 31-8-36	0	1	0
The above periods of leave count under Art 408			
Overstay of leave			0 0 15
Net qualifying service			31 9 13
			or
			31 years

Effective service as Superintending Engineer, a post included in the schedule to Art 475 A

Period	Y	M	D
5-4-40 to 28 2 41	0	10	24
1-1-42 to 30-6-42	0	6	0
1-3-43 to 31 8-45	2	6	0
	3	10	24

The officer has put in 31 years' qualifying service and has drawn pay in excess of Rs 14,000 p a. He has also put in 3 years' effective service as S E in the lower grade. As such he is entitled to superannuation pension of Rs 7,000 p a under rule 13(a) of Superior Civil Services Rules and an additional pension of Rs 900 = (300 × 3) p a under Art 475A C S R if his service is approved.

## Chapter XX—Special Rules for the Police

### SECTION I—EXTENT OF APPLICATION

#### Government Police

494 The rules in this Chapter apply to—

(1) Members of Police Forces constituted under Acts XIII of 1856, XXIV of 1859, and V of 1861 of the Governor General of India in Council, Act IV of 1866 of the Lieutenant Governor of Bengal in Council, and Acts VII of 1867 and I of 1872 of the Governor of Bombay in Council

(2) The Trans-Indus Police Force, which was not organized under Act V of 1861 until 4th August, 1873, and never possessed a Superannuation Fund

(3) Members of the Salt Preventive Force employed on th



Northern Frontier line, at the Runn Salt Works in the Bombay Presidency and on the Salt Preventive Lines on the Goa and Daman frontiers, though the Forces to which they belong are not constituted under any Act of the Legislature, and never possessed a Superannuation Fund.

(4) Members of the Police Force serving in the Baluchistan Agency and sowars of the Somali Coast Mounted Police Force, although the Forces are not constituted under any Act of the Legislature.

### Municipal Police

495. (a) If the Police of a town are wholly supported by, and under the control of, a Municipality, the Government has no concern with their pensions.

(b) But if the Government, being interested in the efficiency of a Police Force, paid, wholly or partly, by a Municipality, the Calcutta Port Trust, or from Cantonment Funds; or from the General Revenues subsidised by a contribution from a Municipality, the Calcutta Port Trust, or from Cantonment Funds, undertakes the organisation and control of the Force, as connected with and auxiliary to the Civil Constabulary, service in such a force qualifies. The contributions of Municipalities, the Calcutta Port Trust, or of Cantonment Funds towards the cost of the pensions of such Forces are, for the present undetermined.

## GOVERNMENT OF INDIA'S ORDERS

### *Police Bands.*

(1) In cases where Policemen employed in a band establishment are paid from other sources besides Central Revenues, the service may be treated as pensionable with reference only to that portion of pay, derived from Central Revenues. The maintenance of police bands is also considered a proper object of expenditure of Public Funds

[G I F D No 1316 E B, dated the 23rd November, 1921 Paragraph 339 of the India Supplement]

### *Policemen employed in Cantonments.*

(2) The Local Government or Administration concerned may at discretion issue, in the case of cantonments, orders for the payment of pensions to the policemen therein employed at such rate as seems suitable, provided that the Cantonment Fund is self-supporting, receives no grant-in-aid from the Lt General of the Command, and is not likely to be compelled to apply for a grant-in-aid in consequence of the new charge or of any other change in its circumstances which can be foreseen. The Government of India have decided not to issue any general rule on the subject

[G I For D No. 389-1 A, dated the 20th January 1957, Paragraph 336 of the India Supplement]

496 The Police Force in the Presidency towns of Calcutta, Madras and Bombay, and in the Municipalities in Lower Bengal come under clause (b) of the preceding Article

497 *Omitted*

### Railway Police

498 The service of members of the Railway Police appointed and controlled by Government qualifies, though they may be either wholly or partly paid by the Railway Companies

## GOVERNMENT OF INDIA'S ORDER

### *Watch and Ward Staff of Railways*

The Government of India consider that the cost of retiring gratuity to members of the Watch and Ward Staff, the cost of which is duly shared by Government and the Company, should similarly be shared by Government in the same way as Railway Companies bear their share of the liability for pension of members of the Law and Order Police Force. It is not necessary that such gratuities or pensions should be granted under the rules of the C S R

[G I F D No 4018 A dated the 2nd August 1910 Paragraph 342 of the Ind a Supplement]

## SECTION II—QUALIFYING SERVICE

499 Service in any of the Police Forces mentioned in Article 494, after the establishment of a Superannuation Fund in the Force, qualifies

NOTE 1—[The Superannuation Funds were Funds to which with the exception of certain soldiers of the Sikh Darbar and members of the Oudh Military Police Police Officers whose pay did not exceed Rs 20 were obliged to contribute. In return for these contributions, they became entitled to pensions according to the rules of the several Funds]

Officers whose pay exceeded Rs 20 did not contribute as they came under the operation of the ordinary pension rules

By Act X of 1869 the Superannuation Funds established under Acts XXIV of 1859 and V of 1861 of the Governor General of India in Council and VII of 1867 of the Governor of Bombay in Council were abolished. The Superannuation Fund which had been established for the Madras Town Police under Act XIII of 1856 having been by Act VIII of 1867 of the Governor of Madras in Council amalgamated with that established under Act XXIV of 1859 of the Governor General in Council was abolished with the latter

The Fund established under Act I of 1872 of the Governor of Bombay in Council ceased to exist after 31st March 1886 as also the Funds established under Acts II and IV of 1866 and Act I of 1890 of the Lieutenant Governor of Bengal in Council from 27th December 1905

In the Police Forces of which the Superannuation Fund were abolished the pay of the men was reduced either individually or on the average to its previous nominal amount less subscriptions to the Funds the Government undertaking the liabilities of the Funds]

NOTE 2—[I am directed to acknowledge the receipt of your letter No 1860 dated 27th April 1876 enquiring whether Armourers Bellows boys,

Bhustis, and Muchis who have subscribed to the Police Superannuation Fund should be allowed pensions according to the special rules for the Police, or according to the scale prescribed in *Article 481 of these Regulations*, and whether, in the latter case the subscriptions recovered from them on account of the Police Superannuation Fund should not be refunded

"In reply, I am to say that, as a general rule, the subscriptions recovered from the employees in questions should be refunded to them with interest, and their claims to pensions will then be dealt with in accordance with the ordinary rules for Inferior servants. In the case, however, of men who have served for not less than ten years the option should be allowed them either of receiving back their subscriptions and coming under the ordinary pension rules, or of continuing their subscriptions and eventually receiving pensions under the special rules for the Police"—

[Finance Department to Bombay, No 1051-D, dated the 23rd June, 1876]

## GOVERNMENT OF INDIA'S ORDERS

Police subordinates attending a Training school may be treated as on duty, so as to enable such service to qualify for pension in all cases of the kind

[G.I.F.D. No 6351-P, dated the 7th October, 1904, Paragraph 341 of the Punjab Manual]

500. Men of the Police Force of the Cities of Bombay and Calcutta who have served the full time for pension in the Force and who joined the Force before 1st April 1886 and 27th December 1905, the respective dates of the abolition of the Superannuation Funds, are on being invalided, admitted to the benefits of the Superannuation Fund on paying up their subscriptions for the full period of their service. Under this rule the service of an officer in the Bombay and Calcutta City Police before the establishment of the Superannuation Fund counts towards pension under the rules of the funds if he pays up his subscriptions for the whole period of his service in the Police Force.

I This privilege applies only to Police officers whose pensions are determined according to the rules of the Superannuation Fund of the Bombay or Calcutta City Police, and not to any officer whose pension is granted in accordance with the rules prescribed in Chapters XVIII and XIX for the calculation of pensions for Superior service

### Service before Enlistment

501 In the following cases service rendered before enlistment in the present Police Constabulary qualifies :—

(a) Service in Superior grades in any other Department qualifies.

(b) Service in the Bombay Excise (Abkari) Police, before that Force was amalgamated with the Bombay District Police, qualifies.

(c) Native Commissioned officers and men of the Army who volunteer for transfer to the levies and Military Police raised in Burma, in consequence of the annexation of Upper Burma, are allowed to count their Army service for pension under the rules applicable to the Police in that Province.

(d) A subadar or jemadar of the Bengal or Assam Military Police, recruited from the Army or from a local corps, and Native Officers and men of the Dera Ghazi Khan Border Military Police recruited from the Army count service as follows :—

- (i) A man recruited from the Army will be eligible for pension under the civil rules (counting both his past Military and Police service) on completion of ten years' service in the Military Police. If he retires with less than 10 years' service in the Police he will be granted pension on the Military scale according to his rank for the whole period of his service including service in the Police
- (ii) A man recruited from a local corps may count half his service in such corps towards Civil pension.

NOTE —[Pensions granted to men who count Army service under the foregoing rules are, if their Military service was sufficient to entitle them to pension if discharged without fault, a Military charge, otherwise they are a Civil charge]

### AUDITOR GENERAL'S ORDER

Constables of the Burma and Assam Military Police who join the U P Police without a break in service will count their past service in Assam and Burma if that service is qualifying under the pension rules of the Assam and Burma Governments

In the case of constables who join the U.P. Police after a break in service, the Government of the U P is fully competent to issue executive order disallowing the counting of past service in the Military Police in Assam and Burma and Art 422 C S R. as applicable to persons under the rule making control of the U P is, therefore, to be regarded as modified to that extent

[Ar Genl's No T 998 A/123 37, dated the 24th August, 1937, Paragraph 343 of the India Supplement]

502. *Cancelled*

### SECTION III —AMOUNT OF PENSION

503. The pension admissible to police constables will be determined according to the rules contained in Chapters XVII to XIX for the calculation of pensions for Superior Service; except that their service in the Police Force after the age of 18 years qualifies.

### GOVERNMENT OF INDIA'S ORDER

The Police constables are entitled to pension at superior scale. The position has not been effected by the general reclassification of posts of superior and class IV by amendment to Art 396 C S R [G I M F, U O No D-482 E V /53 dated the 17th January, 1953]

504. (a) The pension of an officer of the Town Police of Calcutta who was in the Force before 27th December 1905, and of an officer of the town Police of Bombay who was in the Force before 1st April 1886, is regulated by Scale A.

(b) The pension of an officer of the Town Police of Bombay, if he was enlisted or re-enlisted on or after 1st April 1886, is regulated by Scale B.

505. *Deleted.*

506. The pension admissible to an officer other than a police constable, is determined by the rules which apply to ordinary service, except that service rendered after the completion of twenty years of age, and declared by this Chapter to be qualifying, is treated as Superior service.

1 If the officer was promoted from the rank of police constable and loses by promotion any benefit as to pension which he would have enjoyed, his pension may be regulated as if he had not received the promotion.

2 Men of the Bombay City Police count as Superior their service in the Force in Inferior grades before the establishment of the Superannuation Fund

### Previous Inferior Service

507. If part of an officer's continuous service qualifies for pension under the general rules, but does not qualify under the rules in this Chapter, he may elect to receive, in lieu of the pension admissible under this Chapter, such pension as is admissible to him under Articles 398 and 481 to 483 for the whole of his service both Inferior and Superior (See Article 460).

508. *Deleted*

### Calculation of Pension

509. Except in the case of officers of the Town Police of Calcutta, and of officers of the Town Police of Bombay who were in the Force before 1st April 1886 (Article 504), pension is to be calculated upon the net pay, i.e., the pay actually received by the officer, and not upon the gross pay, i.e., the pay from which were deducted the subscriptions to the Superannuation Funds [see concluding sentence of Note 1 to Article 499] But this rule shall not, unless he be either promoted to higher pay or degraded for misconduct to lower pay, be applied to any officer who, on 19th July 1871, was entitled, by the rules of the Superannuation Fund, to have his pension calculated on his gross pay.

### GOVERNMENT OF INDIA'S ORDERS.

#### *Allowances granted to the recipients of King's Police Medal*

(1) The Governor General in Council with the approval of the Secretary of State has decided that recipients of the King's Police Medal, or a Bar to the medal, should, where the decoration is awarded for an act of gallantry, be entitled to monetary allowance subject to the following conditions —

(a) The allowance should be granted only to officer of and below the rank of Inspector of Police.

(b) The amount of the allowance should depend on the rank of the recipient at the time when the act of gallantry is performed and it should continue to be paid at that rate on promotion to higher rank (including ranks above that of Inspector)

(c) In the case of an officer already in receipt of an allowance, an addition should be made to the allowance on the award of a Bar to the medal according to the rank of the recipient at the time when the services for which the Bar is awarded are rendered, provided that if at the time of the award of the Bar the recipient is of higher rank than when he was awarded the medal, he shall be entitled to substitute for the original allowance *plus* the additional allowance, the amount of allowances he would be entitled to draw, had he been awarded the medal in his present rank

(d) The allowance should be granted from the date of the act for which the award is given and unless it is forfeited for misconduct, will continue until death.

(e) Where an individual is in receipt of the allowance at the time of his death, it shall be continued for life or till remarriage (unless forfeited for misconduct) to his widow (the first married wife having the preference)

2 The rates of the allowance for the different ranks will be as follows —

Rank	Allowance for medal or for Bar awarded to an officer not already in receipt of an allowance	Allowance for Bar awarded to an officer already in receipt of an allowance
	Rs    A	Rs.    A
Inspector, Civil Police	} 25    0 per mensem	12    0 per mensem
Subedar Major and Subedar, Military Police		
Deputy Inspector Sub Inspector and Sergeant Civil Police	} 16    0    „	7    0    „    „
Jamadar Military Police		
Assistant Sub Inspector Civil Police	10    0    „    „	5    0    „    „
Head Constable Civil Police	} 7    8    „    „	3    8    „    „
Havildar and Naik Military Police		
Constable Civil Police	} 5    0    „    „	2    8    „    „
Sepoy, Military Police		

3 The Governor General in Council has further decided that the present holders of the Medal and Bar granted for acts of gallantry including those on pension should be entitled to draw the allowance with effect from the 1st January 1930

[G I F D No D/1757 Ex II/30 dated the 15th February 1930 Paragraph 344 of the Punjab Manual]

(2) The Governor General in Council has further decided that the widows of the recipients of the King's Police Medal falling under the categories mentioned below should be eligible for the allowance sanctioned in the Home Department letter No F 25-11 28 Police dated the 7th February 1930 (received in this office with Finance Department endorsement No D/1757 Ex II/30 dated the 15th February 1930) under the conditions stated in clause (c) of that letter (order No 1 above) —

(i) Widows of men posthumously granted the Medal or Bar for gallantry on or before the 1st January 1930

(ii) Widows of men posthumously granted the Medal or Bar for gallantry after the 1st January 1930

(iii) Widows of holders of the Medal or Bar for gallantry who die before the 1st January 1930

Children are not entitled to the allowance in case there is no widow

[G I F D No D 3423 Ex II 31 dated the 16th April, 1931 Paragraph 344 of the Punjab Manual]

## AUDITOR GENERAL'S ORDERS

*Grant of an allowance to the recipients of the King's Police Medal or Bar to the Medal*

(1) Payment of the allowance to men on non effective service and to the widows of deceased persons who were in receipt of the allowance will be authorised by the issue of a separate Pension Payment Order in favour of the recipient. The allowance will be drawn separately on a pension bill form the nature of the claim being clearly stated in the bill. These charges will be audited in the pension section on the lines of audit prescribed for ordinary pensions. The departmental section concerned will send those bills monthly to the pension section for audit and return.

The charges of those allowances when paid to men on effective service should be classified as Honoraria and those granted to the persons not in effective service and to the widows of deceased persons to supplies and services—miscellaneous under the respective minor and sub heads under the major head 29 Police.

[C C A's letter No T 1575 Admn—135 30 dated the 16th October 1930 and No 1972 Ac. 135 Admn 30 dated the 22nd December 1930 Paragraph 345 of the Punjab Manual]

*Allowances granted to the Indian Police Medal*

(1) The Government of India have decided that the conditions

governing the grant of the allowance attached to the King's Police Medal hold good in the case of the allowance attached to the Indian Police Medal and that the charge will be met from the Central or Provincial revenues according as the recipients are paid from the Central or Provincial revenues

The Auditor General has decided that the procedure prescribed for the audit of payments of the allowance granted to the recipients of the King's Police Medal should be adopted in respect of payments of the allowance to the recipients of the Indian Police Medal also in so far as the payments to Police officers in British India are concerned

[Ar Genl sendt No 1117 Admn 1/383 32 dated the 4th December 1932 Paragraph 346 of the Punjab Manual]

## Chapter XXI — Re-employment of Pensioners

### SECTION I — GENERAL

509A No officer, Civil or Military, may retire with the view of being re-employed, and drawing pension in addition to pay, whether in the general service or in the service of any Local Fund.

## GOVERNMENT OF INDIA'S ORDERS

### *Government servants who opted for India.*

(1) The Government servants who have opted for India and are found surplus to the requirements of the Ministry concerned are nominated by the Transfer Bureau of the Ministry of Home Affairs to the various Ministries and offices of the Government of India for appointment to analogous posts in or under the Ministries concerned

A question has arisen as to fixation of their initial pay on appointment to such posts. It has been decided with the concurrence of the Ministry of Finance that —

(i) the pay of permanent Government servants other than those officiating in higher posts at the time of evacuation to India, should be fixed in accordance with the provisions of the Fundamental Rules

(ii) if a temporary Government servant, or a permanent Government servant, officiating in a higher post at the time of evacuation to India is appointed to a post comparable to the post previously held by him his pay will be fixed as if the previous post had been held substantively and the provisions of F R 22(a) (ii) applied. If, however, he is appointed to a lower post than the one he was holding previously, the period of service rendered by him in the higher post shall be taken into account for the purpose of increments in the lower post

[G.I.M.H.A. No 70/14/47 Ests (R), dated the 9th December, 1947.]



*Refugee Government Servants—fixation of pay*

(2) It has been decided that for the purpose of initial fixation of pay of refugee Government servants under Home Ministry's Office Memorandum No 70/14/47 Ests (R) dated the 9th December, 1947, [order No 1 above] comparability of posts should be determined purely by the scale of pay attached to them and should have no relation to the duties. The comparison need not be meticulously close. If the difference between the minimum and the maximum of the two scales is within 20% of the lower figure, the grades may be treated as corresponding ones. For example the scale of Rs 100-10-200 would be treated as corresponding to Rs 80-8-220. Border line cases may be decided by the Accountant General Central Revenue without the approval of this Ministry. Any doubtful case should be referred to this (Finance) Ministry for a ruling.

[G.M.F.U.O No 2293 Est III/48 dated the 29th April 1948 circulated with Memo No F 15(2) Est III/49 dated the 22nd February 1949]

(3) In the course of the application of the orders contained in order No (1) above some interpretations and decisions have been given by this Ministry in consultation with the Ministry of Home Affairs with a view either to fill in certain *lacunae* in the original orders or to avoid undue and unintended hardship to displaced persons by their literal application. In order that these orders and interpretations may be uniformly applied in all cases, they are embodied below for information —

*Marginal cases of comparability decided on merits* — The 20 percent limit referred to in order No (2) above for the purpose of comparability of scales is generally adhered to but marginal cases are decided on merits, in consultation with this (Finance) Ministry.

2 *Pre-1931 scale of comparability in the case of pre-1931 entrants* — In the case of a displaced provincial Government servant, who was a pre-1931 entrant, the pre 1931 scale of the post to which such a person has been appointed in India is taken into account for the purpose of comparability of scales, if the prescribed (*i.e.* 1947) scale does not happen to be comparable with the scale attached to his post in Pakistan. The actual pay, however, is fixed in the prescribed (*i.e.* 1947) scale of pay.

3 *Benefit of officiating pay in post lower than that last held in Pakistan* — In cases where the post to which a displaced Government servant has been appointed in India is not comparable to the post last held by him in an officiating capacity on the date on which he was last on duty in Pakistan but is comparable to the lower post in which he was officiating prior to his promotion to such higher post, benefit of the officiating pay that he would have drawn on that date in the lower post but for his promotion, is allowed under para 2 (ii) of the orders of the 9th December, 1947, (order No 1 above) subject, however, to the condition that the total period of officiating service in the lower as well as the higher post in Pakistan is not less than six months.

NOTE.—The above sub-paragraph being a liberalisation of sub-paragraph 1 above the provisions of all other sub-paragraphs of paragraph 1 should be applied *mutatis mutandis* while considering the case under this paragraph.

G I M F, No F 15(4) Est III/49, dated the 16th January, 1953 ]

4 *Criterion for including special pay for the purpose of comparability and fixation of pay* — For the purpose of fixation of pay in India a special pay drawn by a displaced person in Pakistan is ordinarily not taken into account but if in any particular case the special pay had been granted in lieu of a higher scale of pay it is taken into account both for determination of comparability of scales and fixation of pay. An example of this would be the special pay attached to the posts of Head Assistants in the N W F P. No specific scales existed for the posts. An Assistant promoted as Head Assistant continued to get pay in his basic scale of Assistant viz., Rs 120 10 200 10 300 and was granted a special pay of Rs 50 in addition. This (Finance) Ministry has considered such a special pay as part of basic scale of pay. The benefit of such a special pay may, however, be given only if the virtual scale of the post in Pakistan (arrived at by adding the special pay to the basic scale) in which one was officiating in Pakistan is comparable to the scale of his present post in accordance with the existing formula and the period of officiation as Head Assistant was not less than six months.

Each case has, however, to be considered on its merits in consultation with this (Finance) Ministry.

5 *Benefit of officiating pay, if officiating period was not less than six months* — Benefit of officiating pay drawn by a displaced Government servant in Pakistan in a comparable post is allowed under para 2(ii) of the orders referred to above only in cases where the officiating period was not less than six months.

6 *Pay restricted to the maximum of the scale applicable to the post in India* — A displaced Provincial Government servant is not allowed more pay than the maximum of the prescribed scale of the post to which he has been appointed in India even though his substantive pay in Pakistan was more than that maximum. In this connection, attention is invited to this Ministry's endorsement No 8423 E III/49 dated the 13th August 1949. This restriction, however, does not apply to a permanent Central Government servant who opted for India. In his case full protection in respect of his substantive (permanent) pay and scale has been guaranteed.

7 *Pay fixed on the analogy of F R 22 (a) (i) when the post in India is higher than the officiating post last held in Pakistan* — When a displaced Government servant is appointed to a post in India which is not comparable but is higher than the officiating post last held by him for not less than six months in Pakistan pay is fixed at the stage next above, his officiating pay in Pakistan on the analogy of F R 22 (a) (i), treating his officiating pay as substantive pay.

8 *Method of fixation of pay of persons appointed to lower*

*posts* —Under para 2 (ii) of the orders of the 9th December, 1947, (order No 1 above) the pay of a person appointed to a post lower than the one in which he was officiating on the date on which he was last on duty in Pakistan is fixed in the prescribed scale after counting the period of service rendered in the higher post in Pakistan

The exact method of fixation of pay in such cases is as follows —

(i) The minimum of the scale of pay attached to the post in India *plus* increments for the period (provided it is not less than a year) he held the higher post in Pakistan, or

(ii) the pay fixed on the basis of his substantive (permanent) pay, whichever is more advantageous to him

9 *Pay fixed on the basis of that actually drawn while last on duty in Pakistan* —For the purpose of fixation of pay under the orders of the 9th December, 1947, only the pay (substantive or officiating as the case may be) actually admissible to a person on the date of his last duty in Pakistan is taken into account. In other words benefit of any higher pay that would have been admissible e.g., through increment or promotion at a later date, is not allowed

10 *Benefit of revised scales (1944) allowed to ex Sind employees* —In the case of displaced ex Sind Government employees comparability of scales and fixation of pay is done with reference to the pay to which they had become entitled in the revised scales introduced by the Sind Government with retrospective effect from the 1st April, 1944, or a later date but not later than the date on which the Government servant concerned was last on duty under that Government irrespective of whether they had or had not actually drawn pay on that scale

11 *Fixation of pay of displaced Government servants from N.W.F.P.* —The pay that would have been admissible in both the substantive and officiating appointments held by the displaced Government servants in N.W.F.P. on the 1st August 1948 in accordance with the revised scale of pay had they continued to serve that Government should be deemed to be the last pay drawn by them in Pakistan, and on this basis their pay should be refixed in India with effect from the same date i.e. 1st August 1948 or the actual date of appointment under the Government of India whichever is later. The pay in the above said revised scale will be initially fixed as on the 1st August 1948 if so required by the Government servant concerned in writing before the 30th September, 1946 in accordance with the orders issued by the Government of N.W.F.P. in their Memo No 19690 712 F dated the 31st March 1951 and No 4903 39 F dated the 26th January 1951 (See Page 308)\* and thereafter refixed under the relevant general orders regulating the fixation of pay of displaced Government servants on their appointment under the Government of India. If the pay in the revised scale falls short of

the pre-revised pay plus interim relief, the pay in the revised scale shall be fixed as not to be less than the pay *plus* interim relief previously drawn, the difference being treated as personal pay to be absorbed in future increase in pay. The manner in which the pay is to be fixed is indicated in the following examples.—

(i) The pay of 'A' on the 1st August, 1948, was Rs 110/8 in the original scale, viz. Rs 120-10-200/10-300, subject to 15% cut. It will be refixed at Rs. 115 in the revised N.W.F.P. scale, viz. Rs 105 10-165/15-225 on the 1st August, 1948. His pay in India will again be refixed with effect from the 1st August, 1948 or the date of his appointment, whichever is later, on the basis of Rs 115 instead of Rs 110 8, which was the actual rate of pay that would have been drawn on the crucial date. The next increment will be allowed after a year's service from the date of refixation of pay.

(ii) The pay of 'B' on the 1st August, 1948 was Rs. 85 *plus* an interim relief of Rs 3/8/- in the original scale viz., Rs. 75-5-100 5 150 subject to 15% cut. It will be refixed at Rs. 85 in the revised scale viz., Rs 65-5 85/5-130 *plus* Rs 3/8 as personal pay to be absorbed in future increase in pay. His pay in India will again be refixed with effect from the 1st August, 1948 or the date of his appointment, whichever is later, on the basis of the pay so fixed. The next increment will be admissible after a year's service from the date of refixation of pay.

(iii) The Pay of 'C' on the 1st August, 1948 was Rs 42/8 *plus* an interim relief of Rs 3/8 in the pre revised scale viz., Rs 40-2-80/2-90 subject to 15% cut. It will be refixed at Rs. 44 in the revised scale viz., Rs 34-2-68/2-76 *plus* Rs 2 as personal pay to be absorbed in future increase in pay. His pay in India will again be refixed with effect from the 1st August, 1948, or the date of his appointment, whichever is later, on the basis of the pay so fixed. The next increment will be admissible after a year's service from the date of refixation of pay.

No arrears accruing as a result of refixation of pay on the above basis will be allowed for the period prior to the 1st April, 1956.

[G.I.M.F., No F 8(2), Est III/55, dated the 3rd July, 1956.]

\*Copy of Memo No 19690 712 F, dated the 31st March, 1951, from the Secretary to Government N.W.F.P., Finance Department, to all Heads of Departments (Provincial) in the N.W.F.P.

Subject — Removal of 15% cut from the pay of new entrants in Government Service

Reference this Department Memo, No 39984-40010-F, dated the 18th October, 1949

The proposal for the refixation of pay of those Government servants whose pay was revised with effect from the 1st August, 1948 vide this Department Memo No. 39061-73-F, dated the 27 September, 1948, was presented in the form of a Schedule for New Expenditure to the Legislative Assembly and has been approved vide page 296 of the publication Memorandum Explanatory of the Budget and proposal for new expenditure, 1951-52. The Governor, N.W.F.P. is

pleased to direct that effect to the proposal may now be given retrospectively from the 1st August 1948 as follows —

(a) A person who on the 1st August 1948 was drawing the minimum of his old scale subject to 15% cut shall be allowed to count the period of the past service on that minimum for increment on the minimum of the new time scale not subject to 15% cut and

(b) A person whose pay after 15% cut on the 1st August 1948 in the old scale fell intermediary between two stages of the new scale of pay shall be allowed to draw pay at the next higher stage in the new scale

The extra cost involved will be met by all the Departments from within their sanctioned Budget grant for the year 1951-52

Copy of Memo No. 4909/39 F dated the 26th January 1951 from the Secretary to Government N W F P Finance Department to all Heads of Departments (Provincial) in the N W F P

Subject —Refixation of pay of Government servants in the New Scales of pay

Consequent on the revision of scales of pay of certain classes of Government servants in the N W F P a number of officials have had to sustain some loss on the refixation of their pay in the revised time scales (with an erum relief) under F R 22 (a) (ii) read with F R 23. The Provincial Government therefore direct that in cases where the pay as arrived at under the ordinary rules falls short of the pay *plus* interim relief previously drawn the difference be treated as personal pay to be absorbed in future increments. This is to be taken as a general decision to be applied with retrospective effect to all cases of revision sanctioned after the partition

12 *Nature of officiating period* —The minimum period of six months of officiating service prescribed in sub-paras 3,4,5, and 7 above should be continuous and be immediately prior to migration

NOTE —Cases which have been decided but in which the conditions laid down in the new sub-para 12 have not been satisfied, need not be re-opened

[G I M F., No. F 15 (4)-Est III/50 dated the 26th April, 1951]

2. If, in the light of the above orders and interpretations, it becomes necessary, to refix the pay of a Government servant, it should be done with effect from the date of appointment. The arrears due, if any will be paid in full. In those cases in which the pay already fixed is found to have been in excess of the pay found admissible under these orders the excess will be treated as personal pay to be absorbed in future increments

3 Some of the provisions in para 1 above mean a definite measure of liberalisation in the methods of fixing pay in these cases. The Government of India realise that there may still be a few hard cases, and in order to meet them, have now decided to adopt the following standards —

(a) The scales of pay in India as shown in the attached schedule will be considered as comparable to the scales of pay outside India indicated against each

(b) If the difference between the minima and maxima of the scales outside India and the prescribed scales (that is, 1947 scales) of pay in India do not exceed —

40 per cent- where the minimum of the prescribed scale is Rs—  
100 or less or

33½ percent—where the minimum of the prescribed scale is above Rs 100 those scales will still be treated as comparable

Pay will be refixed according to these standards with effect from the date of appointment of the displaced Government servant concerned, but no arrears of pay and allowances on this revised basis will be payable for the period before the 1st February, 1950

Pay may be fixed in direct consultation with the Audit Officer, and no action will be taken by Finance Ministry on the lists of 'hard cases' received in response to this (Finance) Ministry's Office Memo No F 15 (4)-E III/49 dated the 26th April, 1949

4 Since benefit of the orders of the 9th December, 1947, has already been extended to Government servants rendered surplus by the West Punjab Government and from the Sylhet District of Assam the principles and formulae explained above will be equally applicable to them.

#### SCHEDULE

Post and Scale in India			Post and Scale in Pakistan considered comparable		
1	Assistant in the secretariat or an attached office	Rs 160 10 300 E.B 15-450	(a)	Head Assistant N W F P	Rs 120 10-200-10-300+50
			(b)	Superintendent, N W F P	Rs 350 20-450-30-480-20-600
			(c)	Superintendent Baluchistan (Old)	Rs. 250 20-350†
			(d)	" " (New)	Rs 225-15 300
			(e)	Superintendent Sind	Rs 275-25 500
			(f)	Any other clerical scale the minimum of which is not more than Rs 150	
2	Upper Division Clerk	Rs 80-5 120 E B 8 200 10/2 220	(g)	Senior Assistant	Rs. 200-10-300
			(a)	Clerical scale 'C' (Sind)	Rs 120-10-210
			(b)	Assistant (N W F P)	Rs. 120-10-200-10-300
			(c)	Assistant (Baluchistan) (Old)	Rs 125-10-175
			(d)	Any other clerical scale the minimum of which is not more than Rs 125	Rs 115 9 160 (New)
3	Lower Division Clerk.	Rs 55 3 85 E B -4 125 5 130 Rs 55 3 85-4-125 5-130 E.B 8 170	(a)	Clerical scale 'D' Sind	Rs 100 5 150
			(b)	Clerk (N W F P)	Rs 75 6-150
			(c)	Any other lower clerical scale	

[G I M F No F 15 (4) Est III/49 dated the 9th May 1950]

†Cancelled vide Note 2 on page 311.

NOTE 1 — It has been decided in consultation with the Ministries of Home Affairs and External Affairs that the present pay and date of increment of the ex Baluchistan employees should not be disturbed so long as the scales of pay attached to their previous posts (i.e., in Baluchistan) are not prescribed under the Central Services (Revision of pay) Rules 1947 and pay regularised thereunder. When however their pay has been fixed in accordance with provisions of the above rules in the prescribed scales in respect of the posts held by them in Baluchistan, their pay in the posts to which they are appointed under the Government of India should be re fixed under this order. As they have been declared as Central Government servants the date of increment in the posts held by them in India will be regulated under the Fundamental Rules.

[G I M F No 14 (1) Est III/51, dated the 25th April, 1951]

NOTE 2 — The post of Superintendent in Baluchistan in scale Rs 250-20 350 has been shown at item No 1 (c) of the above schedule as comparable to the post of Assistant in the scale of Rs 160-10-300-E.B 15-450 under the Government of India. A doubt has been raised as to whether the arrears of pay in a case, to which the said item applies will be granted with effect from the 1st February 1950 as laid down in paragraph 3 of this order or with effect from the date of appointment of Government servant concerned.

In this connection it is pointed out that in so far as pre 1931 entrants are concerned, the two posts in question have been treated as comparable in terms of sub-para 2 of para 1 read with sub-para 1 of para 1 of the above order. In other words they are covered by the provisions in paragraph 1 of the order, the individual concerned being thus eligible to the arrears of pay with effect from the date of his appointment as provided in paragraph 2 of the order. This being the position, item 1(c) of the schedule, referred to in the foregoing paragraph will be considered to have been cancelled.

[G I M F No F 15 (4)—E III/49 (II), dated the 20th October, 1954]

(4) Representations have been received from individual displaced Government servants employed under the Government of India as well as associations of such persons urging that a rigid application of the provisions of paragraph 1 (12) of order No (3) above (on page 309) has caused undue hardship to them in the matter of fixation pay. It has been represented that many displaced Government servants officiated in higher posts in Pakistan from dates earlier than the partition of undivided India up to the last date of their duty in Pakistan and would have continued to officiate but for their migration to India, on account of the conditions prevailing in Pakistan before completing six months of such officiating service. As, however, they had not officiated for six months in higher posts prior to migration, they have not been allowed the benefit of their last appointments under the Government of India. It has been urged that this is not equitable to them as it does not take into account the fact that these individuals would have, in the normal course, officiated in regular vacancies in higher posts.

In order No 3 above the limit of six months was prescribed in order to ensure that persons who were given the advantage of the officiating pay drawn by them in Pakistan for the purpose of fixation of their pay in their appointments under the Government of India, were officiating in higher posts in the normal course and not in leave vacancies or due to fortuitous circumstances. It was necessary to impose this limit as in most cases it could not be definitely ascertained whether the displaced Government servants concerned

were officiating in regular or in leave vacancies. On the other hand, there appears to be some force in the contention of the displaced Government servants that rigid application of the six months' limit has affected them adversely even though they might have been officiating in regular vacancies. It has, therefore, been decided in consultation with the Ministry of Home Affairs, that in cases where displaced Government servants had officiated for less than six months in higher posts prior to migration, their last officiating pay in Pakistan should be taken into account for purpose of fixation of pay in their appointments under the Government of India provided that they produce collateral evidence from at least two responsible persons, preferably (but not necessarily) gazetted officers under the Government of India, testifying from their personal knowledge that the displaced Government servants concerned were officiating in regular vacancies in higher posts as distinguished from leave or other temporary vacancies and in the normal course i.e., not due to fortuitous circumstances. The Ministry of Home Affairs etc are requested to consider such cases on the basis of such collateral evidence produced by individuals concerned. The normal rule should be that where a displaced Government servant has produced satisfactory collateral evidence he should be allowed the benefit of his last officiating pay in Pakistan for the purpose of fixation of pay in his appointment under the Government of India. Doubtful cases will be decided by the Finance Ministry in consultation with the Ministry of Home Affairs.

Pay in the manner mentioned above will be refixed with effect from the date of appointment of the displaced Government servant concerned but no arrears of pay and allowances on the revised basic pay will be payable for the period prior to the 1st April, 1954.

[G I M F No 8, (6) III 53, dated the 12th August, 1954]

#### *Re employment of displaced Government pensioners*

(5) The Government of India have had under consideration the question of fixation of pay of the following categories of displaced Government servants who were employees of any of the Governments in Pakistan, and have on migration to India, secured employment under the Government of India —

(i) those on leave preparatory to retirement and who are in receipt of leave salary in India,

(ii) those on leave preparatory to retirement and who are drawing their leave salary in Pakistan,

(iii) those on leave preparatory to retirement and in whose cases orders sanctioning the leave salary have not yet issued,

(iv) retired ex-employees of the Governments in Pakistan who are in receipt of pension which is being paid in India,

(v) retired ex-employees of the Governments in Pakistan who are in receipt of pension which is being paid in Pakistan, and



(vi) retired ex-employees of the Governments in Pakistan in which cases orders sanctioning the pension have not yet issued

It has been decided that the fixation of pay of such displaced persons on re-employment in India will be initially made on a provisional basis under the Ministry of Home Affairs Office Memorandum No 70/14/47 Ests (R) dated the 9th December, 1947 [order No (1) above] as explained and amplified in this Ministry's Office Memo No F 15 (4) Est III/49, dated the 9th May, 1950, [order No 3 above] without taking into account the leave salary or pension that may be admissible to them from the Government concerned in Pakistan. The leave salary or pension will then be adjusted and the pay finally fixed in the same manner as for an employee of a State in India in receipt of leave or pension during leave preparatory to retirement when re employed under the Government of India. In cases where it is not possible to carry out the necessary adjustment at the time of fixation of pay the Government servant concerned will be required to furnish an undertaking in the prescribed form (Page 316) in duplicate to the effect that he agrees to the refixation of his pay and necessary adjustment being made and overpayments, if any recovered from the arrears of pay, leave salary or pension due to him. One copy of the undertaking should be attached to the Service Book and the other copy sent to the Accounts Officer in India in whose circle he wishes to draw his leave salary or pension.

2. The method of making adjustment will be as follows :—

(a) In the cases of Government servants falling under categories (i), (ii), (iv) and (v) steps should immediately be taken by the Head of the Office for the refixation of pay and making the necessary adjustments. The amount, if any, that has been overdrawn by the Government servant should be recovered from the arrears of pay, leave salary or pension due to him, and in cases where leave salary or pension is drawn in India intimation should be sent to the Accounts Officer concerned to authorise the Treasury Officer to make the necessary recovery. If the leave salary or pension is not drawn in India, the overpayments will be recovered in suitable monthly instalments by deduction from the pay to be drawn by the Government servant.

(b) In cases falling under categories (iii) and (vi), the Government servant should inform his Head of the Office as soon as the leave salary or pension has been sanctioned by the Government concerned in Pakistan. If the leave salary or pension is drawn in Pakistan, the amount overdrawn if any by Government servant should be intimated for recovery from the Government servant's pay. If the leave salary or pension is drawn in India the Accounts Officer, on the basis of the undertaking by the Government servant should, at the time of issue of the authority to pay leave salary or issue of the pension payment order, instruct the Head of the Office or the

Treasury Officer concerned to make the deduction from the arrears of leave salary or pension

3. All Ministries are requested to take immediate action to obtain the necessary undertaking from such of the employees as fall under the categories mentioned in para 1 above, and also to take steps to refix the pay and effect recoveries in accordance with para 2 in the case of employees falling under categories (i), (ii), (iii) and (v)

NOTE —The undertaking has been changed to the form given below order No (7) on page 316.

[G I M F, No F 4 (4) Ests. III/50 dated the 21st July, 1950]

(6) It was, *inter alia*, provided in order No 5 above that the pay of displaced Government pensioners will be provisionally fixed without taking into account the leave salary or pension that might be admissible to them from the Government of Pakistan and that such pay would be fixed in the same manner as for an employee of a State in India in receipt of leave salary or pension when re-employed under the Government of India. The manner of fixing the pay finally, as and when one's leave salary and pension are sanctioned by the Government of Pakistan has since been considered and it has been decided, in consultation with the Ministry of Home Affairs, that the pay should be fixed finally in the following manner:—

(i) If the re employment is in respect of a period during which the officer is treated by the Government in Pakistan as having retired from their service, the pay provisionally fixed, as provided in paragraph 1 of Finance Ministry's Memo cited above, should be refixed after taking into account the pension and pension equivalent of other retirement benefits, if any, sanctioned by the Government of Pakistan in the same manner as for a State Government pensioner re employed under the Government of India. Normally, the pay drawn from the Government of India should be reduced by the amount of pension and/or pension equivalent of any other form of retirement benefit which should be drawn separately from the Government of Pakistan. As, however, the pay in full has already been drawn so far, such part of the pay as represents the amount of pension and or pension equivalent of any other form of retirement benefit for the period should be credited to the Government of India by the Accounts Officer concerned in India in consultation with the Central Claims Organisation, by recoupment on the basis of and in accordance with the undertaking already taken from the Government servants. For the future, the provisional pay already fixed should be refixed by reducing it by the amount of pension and/or pension equivalent of any other form of retirement benefit to be drawn separately and paid to the Government servant

(ii) The annual increments in the time-scale of pay in which the pay was fixed will be drawn as usual

(iii) If the re-employment under the Government of India was made during leave preparatory to retirement full leave salary as

authorised by Pakistan authorities will be allowed to be drawn by the Government servant concerned after obtaining proper quittance. But the pay originally fixed provisionally should be reduced to the extent to which the leave salary paid to the individuals by Pakistan authorities is in excess of the leave on half average pay as admissible under orders of the Government of India in respect of leave salary paid in India vide clause (2) of Paragraph 1 of Finance Ministry's O M No F 7 (4) Est IV/52 dated the 28th March, 1952 as amended in Finance Ministry's O M No F 7 (9) Est. IV/58, dated the 21st February, 1958. The excess amount of pay overdrawn should be recouped by adjustment in accordance with the terms of undertaking referred to in sub para (i) above.

(iv) The dearness and other Compensatory allowances will continue to be regulated in accordance with Finance Ministry's O M No 2 (43) Est II (S)/47, dated the 11th September, 1948 and O M No F 5 (26) Est (Spl) 48 dated the 8th April, 1949.

These, however, will be subject to retrospective re-fixation following re-fixation of pay as proposed in paragraph 1 (i).

2 (a) The overpayments, if any, caused as a result of fixation of pay in the manner explained in paragraph 1 above, will, to the extent possible be adjusted in the manner prescribed in paragraph 2 of order No (5) above, and any net overpayment remaining un-adjusted will be written off.

(b) The displaced Government servants electing Pakistan pension will get dearness, Compensatory (city) and house rent allowances in accordance with paragraph 1(xvi) of Finance Ministry's O M. No 2(43)-E II (S)/47, dated the 11th September, 1948 and O M No 5(26) Est (Spl)/48 dated the 8th April, 1949. But, the overpayments representing the difference between the allowances already drawn by them on the basis of provisional pay and those admissible in accordance with the above two office Memoranda on the retrospective re-fixation of their pay, need not be recovered.

3 In cases where the pensions etc., sanctioned by the Government of Pakistan are being drawn separately from that Government and the pay of the Government servant concerned has been fixed after taking into account the amount of pension and or pension equivalent of any other form of retirement benefit, he will continue to draw his pay as already fixed.

4 The pay will also be re-fixed in cases where pension has been transferred to the Accounts officers in India direct before the Central Claims Organisation was set up. The Ministry/Department etc. may take necessary action in respect of displaced persons who migrated to India before the 30 June, 1955, but did not register their claims of pension with the Central Claims Organisation and those who migrated after the target date so that their pay is re-fixed in case they get pension direct from Pakistan as and when remittance facilities are restored by two countries.

[G I M.F No F 7 (44) E III/60, dated the 15th July, 1960]

(7) The Government of India have entered into an agreement with the Government of Pakistan under which the employees of the undivided provinces, centrally administered areas and former Princely States who had before migration completed service or age entitling them to a retiring or superannuation pension under the normal rules but who migrated without having put in formal application for retirement or whose application for retirement were not admitted by authorities concerned in either country will be allowed the pension which would have been admissible under the rules if they had been permitted to retire. The pay fixed of such Government servants on appointment in India will therefore require revision on their getting pension under this agreement. Accordingly undertakings in the form enclosed may be taken from all such officials including those who have already furnished an undertaking in the previous form (see Note below order No 5 above)

[G I M F No 8(92)-Est III/58 dated the 14th July, 1959]

From

To The President of India

Sir, Through

I was on leave preparatory to retirement

I had retired applied for retirement from the service of Government

I had completed service age entitling me to a retiring superannuation pension from the Government of

when after migration to India I was re-employed by the Government of India as on As

my leave salary and pension were not then sanctioned by the Government of

of pension was my pay on re-employment by the Government of India was provisionally fixed without taking into account

the leave salary and pension admissible to me from the Government of

pension and my pay was to be refixed from the date of my re-employment by the Government of India after making such

adjustments as they considered necessary after such leave salary and pension were

sanctioned pension

2 In consideration of the Government of India having provisionally fixed my pay on re-employment as aforesaid without taking into account the leave salary and pension admissible to me from the Government of

I do hereby undertake to pay to the Government of India forthwith and without demur such sum as may be determined by them on such refixation of my pay

whether or not I am in the service of the Government of India at the time the said sum is determined and demanded. Without prejudice to the right of the

Government of India to recover the said sum in other ways, I do hereby also authorise the Government of India to recoup from the amount of my

leave salary and pension due to me from the Government of

pension the necessary amount towards payment of such sum

1 I further undertake to inform the Head of Office the particulars regard ng my leave salary and pension as soon as they are sanctioned

pension it is

Yours faithfully,

NOTE—[It is presumed that the undertaking in the revised form has been obtained by the Administrative Ministries, Heads of offices etc from the persons concerned]

The Ministries and Heads of offices are, however, requested that they should furnish to the Audit office concerned within a period of two months from the date of issue of these orders a certificate to the effect that all the displaced Government servants (including Gazetted officers if any) serving under them have given the required undertaking. Where the displaced Government servant is himself the Head of Office, the undertaking will be obtained and the certificate furnished by the next higher administrative authority.]

[G I M F, No 8 (92) E III/58 dated the 15th January, 1960]

### *Treatment of Interim relief*

(8) The Government of India have under consideration the question whether the interim relief at the rate of Rs 3/8/- per month which was sanctioned by the North West Frontier Province Government (as constituted before partition) with effect from the 1st October, 1946 to its employees who were in receipt of pay not exceeding Rs 200 per month, pending the revision of their pay scales, should be treated as pay under FR 9(21) (a) (iii) for the purpose of the fixation of initial pay of displaced Government servants from North West Frontier Province on their appointment under the Government of India. The President has now been pleased to decide that the interim relief in question should be treated as part of pay last drawn in Pakistan for the purpose referred to, in order No (3) above.

[G I M F, No F8(2) Est.III/54, dated the 5th April 1954]

NOTE 1—The interim relief at the rate of Rs 1/8/- p m or at any other rate admissible to police personnel in North West Frontier Province should also be treated as part of pay last drawn in Pakistan for the purpose of fixation of pay in the manner explained in this order.

[G I M F, No F, 8(2) Est III/54 dated the 22nd December, 1955]

NOTE 2—In the case of some of the ex-employees of the NW F.P. Government there was no entry in their Service Books regarding the drawal of interim relief. The matter was accordingly referred to the Government of Pakistan with a view to ascertaining the correct position. That Government have not however, so far furnished complete information to the Government of India. In view of the hardship involved to the persons concerned it has been decided in consultation with the Ministry of Home Affairs that the benefit of the 'Interim Relief' which was sanctioned by the NW F.P. Government with effect from the 1st October 1946 to its employees, may be granted for the purpose of fixation of their pay in India in the absence of such an entry in their Service Books, provided that they produce documentary or collateral evidence from at least two responsible persons preferably (but not necessarily) gazetted officers under the Government of India testifying from their personal knowledge that they were in receipt of the said interim relief while under that Government.

[G I M F No F 7(84) Est III/57 dated the 9th January 1958]

NOTE 1—The amount of pay and allowances to displaced Government servants as a result of re fixation of their pay under the orders contained in Note (2) above may be allowed from the dates given in para 2 or 3 of order No (3) above as the case may be.

[G I M F, No F 7 (84) Est III/57, dated the 2nd September, 1958]

### *Accounting of Death cum retirement gratuity.*

(9) Instances have come to notice in which the pay of

reemployed Government servants had been fixed without taking into account the death *cum* retirement gratuity admissible under the Liberalised Pension Rules and or the commuted portion, either due to the instructions issued in this behalf being overlooked or because of failure to follow the said instructions in particular cases

2 The position in this respect has been clarified in the orders contained in orders Nos (1) and (2) above According to those orders, the pension equivalent of the death-*cum* retirement gratuity which an officer may become entitled to on retirement under the liberalised pension rules, and portion of the pension which may have been got commuted, are to be taken into account in fixing the pay during re-employment The orders may once again be brought to the notice of all concerned for careful observance Care should be taken in all such cases invariably to obtain detailed and authentic information about the gross retirement benefits received by, or due to the retired officer, including the point whether any portion of the pension has been got commuted by him, before the terms of his re-employment are fixed. The formal orders fixing the pay on re-employment should make it clear beyond doubt that the pension to be taken into account in this connection is the gross pension and that it shall include the pensionary equivalent of death-*cum* retirement gratuity or any other form of retirement benefits

3 Where the pay of a re-employed officer is fixed at a certain amount (e.g. the minimum of the "prescribed" scale) plus pension, subject to the condition that the total amount of pay at any time plus the gross amount of pension and/or pension equivalent of any other form of retirement benefits does not exceed the pre retirement pay or a fixed maximum amount, the amount of pension to be taken into account for applying the 'ceiling' will similarly be the gross amount of pension sanctioned, including any portion thereof which might have been commuted, together with the pension equivalent of any other form of retirement benefit If the pay plus the gross amount of pension and/or pension equivalent of any other form of retirement benefit exceeds the said 'ceiling', the total should be restricted to that 'ceiling' either by holding the whole or a portion of the pension in abeyance or where this is not possible by suitable reducing the pay on re-employment

4 The Ministry of Home Affairs/etc are requested to enure that the above instructions are observed also by all Government-controlled industrial/commercial undertakings and corporations under their administrative control, while re-employing retired Government employees

G I M T No 20 (42 EV/57 dated the 5th November, 1957)

*Fixation of pay of Re-employed pensioners*

(10) 1 In supersession of all previous orders on the subject the Government of India have decided that the following

procedure should be adopted in fixing the pay of pensioners including officers pensioned off or retired on Contributory Provident Fund, and from services of the State Government, local bodies, Port Trusts, etc administered by Government Railways, Defence Estimates etc, re-employed in Central Civil Departments —

(a) Re employed pensioners should be allowed only the prescribed scales of pay, that is, no protected time scales such as those available to pre 1931 entrants should be extended to them

(b) The initial pay, on re employment, should be fixed at the minimum stage of the scale of pay prescribed for the post in which an individual is re employed

In cases where it is felt that the fixation of initial pay of the re employed officer at the minimum of the prescribed pay scale will cause undue hardship, the pay may be fixed at a higher stage by allowing one increment for each year of service which the officer has rendered before retirement in a post not lower than that in which he is re employed

(c) In addition to (b) above, the Government servant may be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefit for which he is eligible, e.g., Government's contribution to a Contributory Provident Fund, gratuity, commuted value of pension, etc, provided that the total amount of initial pay as at (b) above *plus* the gross amount of pension and/or the pension equivalent of other forms of retirement benefit does not exceed —

(i) the pay he drew before his retirement (pre retirement pay),  
or

(ii) Rs 3,000/- , whichever is less

NOTE 1 —[In all cases where either of these limits is exceeded, the pension and other retirement benefits may be paid in full and the necessary adjustments made in the pay so as to ensure that the total of pay and pensionary benefits is within the prescribed limits

Where after the pay is fixed at the minimum or any higher stage, it is reduced below the minimum as a result of the said adjustments increase in pay may be allowed after each year of service at the rates of increments admissible as if the pay had been fixed at the minimum or the higher stage as the case may be ]

NOTE 2 —[Pay last drawn before retirement will be taken to be the substantive pay plus special pay pay drawn in an officiating appointment may be taken into account if it was drawn continuously for at least one year before retirement ]

NOTE 3 —[Pay drawn in a tenure post may also be treated as pay last drawn before retirement provided that it was drawn continuously for at least one year immediately before retirement ]

NOTE 4 —[Qualification pay drawn by certain personnel in the Defence services on the date of retirement should not be taken into account in computing their last pay for fixat on of pay on re employment ]

[G.I M F No 8(20) Est III/61 dated the 6th June, 1961 ]

(d) In the case of posts for which personnel with the requisite qualifications and experience are not available and it is found necessary to recruit an officer for service at a place situated at a considerable distance from his home town the restriction that initial pay on re employment *plus* pension should not exceed the pay last drawn may be relaxed to the extent indicated below —

(i) Initial pay on re employment *plus* gross pension/pension equivalent of other retirement benefits should not exceed the pay last drawn before retirement by more than Rs 250

(ii) The total of initial pay on re employment as fixed under para (b) *plus* gross pension/pension equivalent of other retirement benefits should not exceed Rs 1 000

(iii) The above concession will be admissible only where the officer has retired on a superannuation pension

(e) In cases where the minimum pay of the post in which the officer is re employed is more than the pay last drawn the officer concerned may be allowed [the minimum of the prescribed scale of the post less pension and pension equivalent of other retirement benefits]

(f) Where the restriction that pay on re employment *plus* gross pension/pension equivalent of other retirement benefits should not exceed the last pay drawn has to be relaxed in circumstances other than those mentioned in sub paragraphs (d) and (e) above, the approval of the Ministry of Finance should be obtained in each individual case

(g) Once the initial pay of a re employed pensioner has been fixed in the manner indicated above he may be allowed to draw normal increments in the time scale of the post to which he is appointed provided that the pay and gross pension/pension equivalent of the other retirement benefits taken together do not at any time exceed Rs 3 000 per month

(h) Re employed officers may be permitted to contribute to the Contributory Provident Fund provided that where the term of re-employment is initially for a year or less but is later extended so as to exceed one year the Government contribution with interest will be credited only after the completion of one year's re employed service. The Government contribution with interest shall be payable for the entire period for which the re employed officer is allowed to contribute to the Contributory Provident Fund if such period exceeds one year

(i) (1) In cases where an officer who before retirement was in the civil employ of the Central Government (excluding the Railway Department) is re employed before he had an opportunity to avail himself of the leave which had been refused to him in the exigencies of public service under FR 86(a) or the corresponding rule in the Revised Leave Rules/Civil Service Regulations before the date of superannuation, and which, under the rules could be



enjoyed by him after the date of superannuation, the officer may be permitted to avail himself of the unutilised portion of such leave on termination of the period of re employment, on the same leave salary as would have been admissible to him in the normal course but for the re employment

(ii) The leave salary for the period of such leave would be the same as would have been admissible in the normal course but for re employment reduced by the amount of pension and/or pension equivalent of gratuity and other retirement benefits

(iii) The leave salary for the refused leave which is permitted to be availed of on termination would be borne by the Department which would have borne it had the leave been enjoyed before re employment and not postponed

(iv) The existing position will continue in the case of officers who may be re employed during the period of their leave preparatory to retirement

(v) To the extent the leave earned during the period of re-employment is not availed of during the period of re-employment itself, it will be allowed to be availed of on termination of re employment, provided the leave on average pay or earned leave carried forward under para 1(i)(f) above and the earned leave allowed as terminal leave shall together not exceed the limits up to which leave on average pay, privilege leave or earned leave can be allowed at a time under the Fundamental Rules, Civil Service Regulations or the Revised Leave Rules whichever of these rules were applicable to the officer before retirement

If a person has on the date of re employment enjoyed a portion of the refused leave, the leave admissible to him on finally demitting office after re employment will be composed of the unavailed of portion of such leave and leave earned during the period of re employment in such manner as the officer desires and the incidence of such leave salary will follow the manner in which the two leaves are combined. Formal sanction to such leave should be accorded by the authority or authorities empowered to sanction it prior to and during re employment

(vi) The earned leave earned during re employment shall be allowed to be availed of as terminal leave even though it may not have been formally applied for and refused in the exigencies of public service

2 The Administrative Ministries will be competent to fix the pay of retired officers re employed under them in accordance with the formula mentioned in paragraph 1 above, provided the post in which the officer is re-employed already carries a sanctioned scale of pay. Cases in which a scale of pay has not been sanctioned for the post will as hitherto continue to be referred to the Ministry of Finance in terms of Finance Ministry's Office Memorandum No F 10(5)EV 50, dated the 6th June, 1950

3 These orders will apply to cases of re-employment occurring hereafter and past cases are not to be re-opened. In respect of officers already on re-employment these orders will apply from the date of commencement of the further period of re-employment, if the existing period of re-employment is extended.

4 In so far as the staff of the Indian Audit and Accounts Departments are concerned these orders are issued in consultation with the Comptroller and Auditor General, who will exercise the powers of an administrative Ministry for the purpose of these orders in respect of persons re-employed in the I A & A Department.

[G I M F No 8(34)/Est III/57 dated the 25th November 1958]

NOTE—The Instructions contained in the above order are applicable to retired officers on their re-employment in regular work charged capacity.

[G I M F No 8(22)/Est III/61 dated the 8th August, 1961]

(11) The orders contained in G I order No (10) above do not supersede the orders contained in G I order 30 below but on the other hand give an option to a Central Civil Government servant to avail himself of the refused leave either concurrently with re-employment or on the termination of his period of re-employment in a Central Civil Department.

[G I M F No F 7(38) Est IV/59 dated the 18th February 1960]

(12) It has been decided that officers who have been re-employed from a date prior to the 25th November 1958 for an unspecified period or for a period which extends beyond the date of issue of the present orders may subject to their option be brought under the provisions of the Office Memorandum of the 25th November, 1958. [G I Order (10) above] with immediate effect.

2 The option should be exercised in writing within a period of three months from the date of issue of these orders. The option once exercised shall be final.

[G I M F No F 8(19) Est III/60 dated the 31st May 1960]

(13) Doubts have been expressed in some quarters about the interpretation of some of the provisions of this Ministry's Office Memorandum No 8(34) Est III/57 dated the 25th November, 1958. [Order No (10)] on the subject of fixation of pay of re-employed pensioners. A statement is given below indicating the points of doubt and the clarification thereof for the guidance of all Ministries.

S No	Points of doubt	Clarification
Paragraph 1(b)		
1	Whether the benefit of a higher stage for each year of service as envisaged in sub-para (b) of para 1 can be allowed even though the period of the increment in the scale of the post in which the pensioner is re-employed is longer than a year.	No. In such cases pay should be fixed at a stage which the officer would have reached if he had rendered the service for which credit is given to him in the post in which he is re-employed (e.g. if an officer is re-employed in a post the scale of which carries a biennial rate of increment and he had rendered 8 years service in equivalent or higher posts before retirement he will be allowed 4 increments only and not 8).

S No	Point of doubt	Clarification
2. Paragraph 1(b)	<p>In the case of persons who had enjoyed the benefit of a higher start in the scale of pay of the last post held by them at the time of retirement by the operation of F.R. 22(a) with reference to their pay in previous posts should the number of increments that may be given if they are re-employed in the same post or in a post on the same scale of pay be equal to the number of years' service rendered in that post before retirement or equal to the number that a directly recruited officer would have to earn to reach the stage of pay at which the re-employed persons retired?</p>	<p>One increment for each year's service actually put in an equivalent or higher grades should be allowed by adding the number of increments to the minimum of the prescribed scale. The fact that an officer actually entered the scale at a higher stage because of his holding a substantive post in a lower scale, should be ignored (e.g. an officer drawing a substantive pay Rs 375 in the scale of Rs 275-500 is promoted to the grade of Rs. 275 800 in which his pay is fixed at Rs. 400. If he has rendered 3 years' service in the latter post and is re-employed in the same scale, his pay on re-employment (in case of hardship) can be fixed after adding 3 increments to the minimum of the scale of pay viz., Rs 275 and not to Rs 400.</p>
3. Note 2 below para 1(c)	<p>Whether an increment earned during the period of L.P.R. can be taken into account for determining the pre-retirement pay?</p>	<p>Increment accruing during the first four months of leave on average pay or within earned leave of 120 days taken as L.P.R. will be taken into account. If the re-employed officer was holding a post in an officiating capacity the increment in respect of that post may be taken into account only if the competent authority certifies that the re-employed officer would have held the officiating appointment but for proceeding on leave preparatory to retirement. Promotion to any higher post which the officer would have got but for going on leave will not be taken into account. (cancelled vide order No (15) below)</p>
4. Note 2 below para 1(c)	<p>Whether all kinds of special pays will count towards pre-retirement pay, particularly pay granted for combination of appointments, special pay granted in addition to pay of the lower post and special pay attached to officiating or tenure posts and whether generally special pay can be taken into account without any limitation as to the minimum period for which it was drawn before retirement?</p>	<p>(i) Only special pay granted in terms of F.R. 9 (25) will be taken into account for determining pre-retirement pay. But such special pay taken like officiating pay, should be taken towards pre-retirement pay only if it has been drawn for at least one year before retirement. Cases which might have been dealt with otherwise before the issue of this clarification need not be reopened.</p> <p>(ii) Pay for holding more than one charge under F.R. 49 can hardly be treated as special pay. Normally there should be no occasion for a person to hold such charges for over one year. Such additional pay should not, therefore, be taken into account in fixing pre-retirement pay.</p>

S No	Point of doubt	Clarification
5	Note 2 below para 1(c)	
	Whether personal pay granted either for loss of substantive pay or in certain circumstances for loss of officiating pay or on other personal considerations can be taken towards pre retirement pay ?	Personal pay granted for loss of substantive pay should be taken into account in fixing pre retirement pay irrespective of whether it is drawn for a year or not as it stands on the same footing as substantive pay. But other personal pays should be accorded the same treatment as officiating pay and taken into account only if they had been drawn for a year or more.
6	Note 2 below para 1(c)	
	Whether leave preparatory to retirement foreign service etc., during the last one year before retirement would be included in the computation of one year for the purpose of determining pre retirement pay if it is certified that the officer would have officiated in the higher post but for his being on such leave foreign service etc. ?	There is no objection to the periods indicated in Col 2 being taken into account towards the period of one year provided the competent authority certifies that the officer would have officiated in the higher post but for his being on such leave, foreign service, etc.
7	Note 2 below Para 1(c)	
	What pay should be reckoned as pre retirement pay of officers who retire from foreign service ?	It should be the pay that the officer would have drawn in his parent service. Regard will also be given to the promotions which the officer would have received in his parent service as provided for in F.R. 113, provided he would have officiated for more than one year.
8	Note 2 below para 1(c)	
	Whether special pay and personal pay which do not count towards emoluments for pension but which are added to the officiating pay for giving benefit under Art 487B of the C.S.R., can be counted towards pre retirement pay ?	It would be difficult to make a distinction between special pay and personal pay counting towards emoluments and those counting towards officiating pay for the purpose of benefit under Art 487B of the C.S.R. However, the working rule should be as suggested against 4(i) above, that is, the benefit of special pay and personal pay other than that granted for loss of substantive pay should be allowed only if it has been drawn continuously for at least one year before retirement.
9	Note 2 below para 1(c)	
	If an officer has officiated in a grade for more than one year whether the pay drawn by him in that grade for less than one year before retirement would be taken as his last pay for the purpose of fixation pay ?	The pay drawn in a grade in which an official has officiated continuously for more than one year will be taken as his pre retirement pay, irrespective of the fact that last pay drawn was for less than a year.

(14) The following clarifications have been issued regarding certain points raised with reference to order No 10 above —

Point raised	Clarification
1 Whether the concession of grant of refused leave after termination of re employment under para 1 (i) (i) of the O M dated 25th November 1958 is admissible only to the civil officers (excluding Railway Department) in the employ of the Central Government prior to retirement or it would apply to cases of officers of the Railway Department State Governments Local Bodies Port Trusts etc administered by Government and officers paid from Defence service estimates?	1 The concession regarding deferment of refused leave is applicable in the case of — (i) Central Civil Government servants including Government servants under the P & T re-employed under State Government or Railway Department or a Defence Department or a P & T Department (ii) The Government servants of P & T Department re-employed under Central Civil Department (vide order No 24 below)
2 Whether in a case in which the amount of refused leave consists of both leave on average pay and leave on half average pay and when the leave salary is less than the pensionary benefits the Government servant may be allowed to draw pension only during such period?	2 An application for leave is a prerequisite to the sanctioning of leave vide S R 216 and the leave to be availed of on termination of the period of re employment has also to be applied for by the Government servant  Where the leave salary on half average pay is less than the pension, it is open to the Government servant not to apply for and avail himself of such leave but to draw the full pension instead
3 How the carried forward refused leave and the leave earned during re employment should be availed of in combination?	3 The combination of the carried forward refused leave and the leave earned during re employment should be so regulated that the total period of leave on average pay and the earned leave does not exceed the limit up to which leave on average pay/earned leave would have been permissible under the pre retirement leave rules
4 How the leave salary for the period of leave earned during re employment should be calculated namely whether with reference to the un reduced pay or with reference to the pay with reduction on account of pension and whether the leave salary so determined will have to be reduced by the pensionary benefits as in the case of refused leave	4 The leave salary will be regulated as indicated in Finance Ministry's O M No 7 (84) Est IV/58 dated the 15th September 1958 vide G I order (6) below F R 69 in P and T Compilation of F R and S R

The above clarifications will take effect from the 25th November 1958 [G I M F No F 7 (189) Est IV/A/60 dated the 2nd December 1960]

(15) It was clarified vide point 3 of the order No (13) above that the increment accruing during the first four months of leave on average pay or within 120 days taken as leave preparatory to retirement could

be taken into account in determining the pre retirement pay on re employment except that if the re employed Government servant was holding the pre retirement post in an officiating capacity the increment in respect of that post could be taken into account only if the competent authority certified that the re employed officer would have held the officiating appointment but for proceeding on leave preparatory to retirement.

With the issue of Finance Ministry's Office Memo No F.7(122)-Est IV/A/60, dated the 1st September, 1960 (Refer to G I orders below F R 86) the grant of leave extending beyond the date of compulsory retirement or beyond the expiry of extension in service is not treated as an extension of service and the Government servant is not permitted to retain a lien on his permanent post or any other post during the period of leave

Further in accordance with the clarification in item 1 of Finance Ministry's Office Memo No. 7(1) E-IV/A 61, dated the 7th January, 1961 (See G I orders below F R 86) in the case of an officer availing himself of refused leave, the pensionary benefit would be admissible as due to him on the date of superannuation though the benefit could be given only after the expiry of the leave

In the circumstances, the question of the increment falling due during the period of refused leave being taken into account for determining the pre retirement pay of an officer on his re employment would not arise and item (3) should be deemed to have been cancelled

[G I M F, No 7(38) Est III/62 dated the 18th October, 1962]

(16) *Amplification of clauses of order No (10) above*

The following questions have been raised with reference to order No (10) under this Article —

(i) Whether that order is applicable to officials who have retired/retire from Municipal Corporations and

(ii) Whether the pay of persons who have retired/retire without earning any pension, gratuity or other retirement benefits and are re employed may be fixed in accordance with the provisions of this order

2 As regards (i) above, it has been decided that the expression 'administered by Government' occurring in the preamble of this order should have the significance indicated in Audit Instruction (2) under Fundamental Rule 128 Accordingly the employees of the Municipal Corporations should be excluded from the purview of the orders contained in that Office Memorandum

3 As regards (ii) it has been decided that except in the case of re employment after resignation, removal or dismissal, the pay of persons re employed in Government services after retirement without earning any pension or gratuity or other retirement benefits should be fixed on the analogy of the orders contained in this order, the

pension and or pension equivalent of other retirement benefits being treated as nil. The provisions of this order pertaining to Contributory Provident Fund benefits would not, however, apply to such persons. The power to fix the pay in such cases is delegated to the Ministries of the Government of India and the Comptroller and Auditor General of India. Other authorities referred to in order No. 27 below may also exercise this power subject to the conditions laid down in order No. (10).

[G I M F, No. F 2(47) Est III/60 dated the 29th November, 1960]

(17) With reference to order No. 10 above, the pay of a person who is re-employed while he is on refused leave should be fixed in terms of paragraph 1 (b) of this order. On the expiry of the refused leave the restriction prescribed in paragraph 1(c) would become applicable and the effective pay should be adjusted suitably. The pay originally fixed will become notional from the date of expiry of the refused leave. The service rendered during refused leave will count for increment in terms of paragraph 1(g) read with the second clause of Note 1 below para 1 (c) of order No. (10).

[G I M F, No. F 8(48) Est III/60, dated the 12th December, 1960]

(18) A question has been raised whether comparison of posts for purposes of giving a higher start under paragraph 1(b) of order No. (10) above should be on the basis of both responsibilities and pay scale or one of them.

It has been decided that the comparison of posts should normally be made on the basis of scales of pay. However, as the scales of pay under the State Governments are generally lower than those under the Central Government and a comparison on the basis of scales of pay alone may sometimes result in hardship, comparison in such cases may be made with reference to the duties and responsibilities attached to the posts. For example, Superintending and Executive Engineers in a State may be treated as equivalent to Superintending and Executive Engineers respectively in the Centre, irrespective of the scale of pay of the posts. Cases of doubt may be referred to the Ministry of Finance for orders.

The above order will apply to cases of re-employment occurring on or after the date of issue of these orders. Past cases will not be reopened.

[G I M F, No. F 8 62) Est III/60 dated the 27th December, 1960]

(19) A question has been raised whether in all cases of re-employment while issuing the sanction for fixation of pay it would suffice if the gross amount of pay as calculated under para 1(b) of order No. (10) above is indicated and the necessary adjustments under paragraph 1(c) of that order if necessary, being left to Audit/Pay and Accounts Officers concerned to make. The point has been examined in consultation with the Comptroller and Auditor General and the following procedure may be adopted in future.

2 In the case of re-employment of pensioners under Central Government (Civil) whether it is in gazetted non gazetted or Class-IV service the competent authority is to indicate the pay of a re-employed officer

For the correct determination of pay of Government servants re employed in Central Government (Civil) Departments under order No (10) competent authorities should obtain the following information in respect of all officers viz gazetted non gazetted officers and Class IV from the Audit/Pay and Accounts Officers who reported on the title to pension etc

(i) Post held substantively on the date of retirement and substantive pay in that post together with scale of pay

(ii) Other post if any held in an officiating capacity on the date of retirement and officiating pay drawn in the post together with scale of pay

(iii) In the case of (ii) the dates of actual officiation

(i) (a) Special pay personal pay and deputation allowance, if any drawn on the date of retirement and the period for which it was drawn continuously

(b) The portion counted as emolument for pension should be indicated

(c) In the case of special pay drawn in a substantive post, whether it is a part of the prescribed scale of that post and included in the relevant pay schedules

(i) Gross pension including amount commuted particulars of Pension Payment Order to be quoted

(ii) Death cum Retirement or other gratuity and pension equivalent thereof

(iii) Government contribution to the Contributory Provident Fund with interest and the pension equivalent thereof the Contributory Provident Fund Account Number previously allotted and the particulars of the authority issued by the previous Audit Pay and Accounts Officer

Competent authorities after getting the above information should fix the re employed pay of the officers under the provisions of order No (10) and communicate the same in the sanctioning letter to the Audit Pay & Accounts Officers. In addition to the above competent authorities may give the following additional information to the Audit/P & A cs Officer Particulars of equivalent higher posts held by the re employed Government servant which are taken into account for giving a higher starting salary under para 1 (b) of order No (10)

[G I M F No 8 (40) Est III/61 dated the 1st November 1961]

(20) According to note 2 below paragraph 1 (c) of the Government of India's order No (10) pay last drawn before retirement for



the purpose of fixation of pay on re employment will be taken to be the substantive pay plus special pay if any pay drawn in an officiating appointment may be taken into account if it was drawn continuously for at least one year before retirement

As in the case of pay drawn in officiating appointment pay drawn in a tenure post may also be treated as pay last drawn before retirement provided that it was drawn continuously for at least one year immediately before retirement

[G I M F No 8 (35) Est III/60 dated the 28th October 1960]

(21) With reference to Note 2 below paragraph 1 (c) of order No (10) above a question has been raised whether the deputation allowance drawn by a re employed pensioner before retirement should be taken into account in determining the last pay drawn before retirement (pre-retirement pay) It has been decided that only such portion of the deputation allowance as has been taken into account for pension purpose should be taken into account in determining the last pay drawn before retirement provided the deputation allowance was drawn continuously at least one year before retirement

[G I M F, No F 8 (62) Est III 60 dated the 10th August 1961]

(22) A question has been raised whether the orders contained in order No (10) above regarding the fixation of pay of re-employed pensioners should be applicable to the persons who are re-employed after obtaining compensation or invalid pension At present the conditions of their re-employment are governed by Arts 514 and 519 C S R It has been decided that for the purpose of the initial fixation of pay on re employment and the drawal of increments the orders contained in order No (10) should be made applicable to such persons subject to the following conditions —

(i) The concession provided in Art 514 (b) C S R should continue to be applicable to them In case the pensioners elect to count their previous service for pension by foregoing their entire pension their pay under the said order would be fixed by treating them as if they are not in receipt of any pension

(ii) The special provisions contained in sub paragraphs (b) and (f) of paragraph 1 of that order regarding grant of Contributory Provident Fund benefits during the period of re employment and the grant on termination of the period of re-employment of the unutilised portion of the refused leave in respect of the previous service should not be extended to them in view of (i) above

2 These orders will apply to cases of re employment of the kind mentioned in the preceding paragraph which commence on or after the date of issue of these orders In respect of officers already on re-employment for specified periods the orders will apply from the date of commencement of the further period of re-employment if the existing period of re employment is extended Further in the

case of officers who have been re employed from a date prior to the issue of these orders for an unspecified period or for a period which extends beyond the date of issue of these orders, these orders may apply with immediate effect subject to their option which should be exercised in writing within a period of 3 months from the date of issue of these orders. The option once exercised shall be final.

[G I M F, No 8 (32) Est III/60 dated the 13th July, 1960]

(23) It has been provided in para 1 (i) of order No (22) above that if a re-employed pensioner elects to count his previous service for pension by foregoing the pension sanctioned to him for the earlier spell of his service, his pay on re employment would be fixed in accordance with the provisions of order No (10) assuming that he is not in receipt of any pension. A doubt has arisen whether the term pension used in the context includes Death *cum* retirement gratuity and if so as to how the amount of Death-*cum* retirement gratuity has to be recovered. It is clarified that the term pension as used in para 1 (i) of order No (22) above referred to above includes gratuity Death *cum* retirement gratuity. The entire amount of Death *cum* retirement gratuity granted will have to be refunded by the re-employed pensioner. There shall, however, be no objection to the recovery of Death-*cum* retirement gratuity being made in the manner provided under Art 512 of the C S R.

[G I M F, No F 7 (46) E III/62 dated the 27th December, 1962]

(24) The President has been pleased to decide that the concession regarding the deferment of refused leave till termination of the period of re employment may in accordance with paragraph 1 (i) of order No (10) above also be allowed in the case of —

(i) Central Civil Government servants (including the Government servants of a Posts and Telegraphs Department) re-employed under a State Government or in a Railway Department, or a Defence Department or a Posts and Telegraphs Department,

(ii) The Government servant of a Posts and Telegraphs Department re employed in a Central Civil Department

[G I M F No F 7 38) Est IV/59 dated the 29th April, 1960]

(25) Under 1 (i) of order No (10) if the refused leave is availed of after the date of actual retirement from Government service when the Government servant ceases to retain a lien on his permanent post such leave cannot and will not be treated as carrying with it automatic extension of service

[G I M F, No F 7 (27) Est IV (A) 60 dated the 14th March 1960]

(26) With reference to paragraph 1 (i) of order No (10) above, doubts have been raised as to whether a Government servant can be permitted to avail of the refused leave under F R 86 (or any other corresponding rule) during the period of his re employment also

It is hereby clarified that a Government servant may be permitted to avail of the refused leave either in whole or in part at any time

during the period of re employment even though leave earned during the period of re employment is at his credit, if such course is to his advantage. The leave salary will be the same as admissible under paragraph 1 (i)(ii) of order No (10). But he will not be entitled to draw his re-employment pay in addition to leave salary during the period of refused leave so availed of.

The grant of such leave during the period of re employment will, however, be conditional on the re employing authority being able to grant any part of the refused leave during the period of re-employment.

These orders will take effect from the 25th November, 1958

[G I M F, No F 7 (189) E 1V(A)/60 dated the 31st August 1961]

#### *Delegation of Powers to fix pay of re employed pensioners*

(27) It has been decided that the Administrative Ministries may henceforth delegate their powers indicated in para 2 of G I order No (10) to lower authorities at their discretion in respect of appointments which are within the powers of such lower authorities to make, provided that where pay is proposed to be fixed at a stage higher than the minimum under para 1(b) *ibid* and where provisions contained in para 1(d) *ibid* are to be invoked each such case should continue to be referred to the Administrative Ministry concerned for orders as heretofore.

[G I M F No F 8 (34) E III/57, dated the 31st March 1960]

(28) At present, the authority competent to determine the provisional pay of a re employed pensioner under the said order No (10) above is the Government of India in the Ministry of Finance. In order to facilitate work, it has been decided that the Administrative Ministries may henceforth make or authorise provisional payment for a maximum period of six months to re employed pensioners pending fixation of the final pay. The sanctioning authorities would be responsible for ensuring that the provisional pay authorised is not likely to exceed the correct pay that may become admissible. For this purpose, they should take the maximum pension and gratuity that might be admissible on the basis of last pay drawn.

2 Usual undertaking for refunding any amount that might be overpaid as a result of provisional fixation of pay should be obtained from the re employed pensioners.

3 To enable Audit to check that *prima facie* the rate of provisional pay has been correctly fixed, the Administrative Ministries while issuing sanction for provisional payments of pay etc to re-employed personnel should furnish the following information to the Audit Pay and Accounts Officer concerned —

(i) Last pay drawn including scale and the date from which it has been drawn.

(i) Pension and pension equivalent of death *cum* retirement gratuity and other forms of retiring benefit viz., Contributory Provident Fund etc

(iii) Office/Department where the officer was employed including name of Audit Officer prior to retirement from service

4 In so far as the persons serving in the Indian Audit and Accounts Department are concerned, the orders are issued in consultation with the Comptroller and Auditor General of India who will exercise the powers of an administrative Ministry for the purpose of these orders in respect of persons re-employed in the Indian Audit and Accounts Department

[G I M F No F (63) Est III 60 dated the 12th January 1961 and even No dated the 16th November 1961]

#### *Refused leave during re employment*

(29) Doubts have been felt whether refused leave availed of during re employment —

- (i) Causes a break in the continuity of re employment ,
- (ii) Counts for reckoning the minimum period of one year for eligibility to the benefits of Contributory Provident Fund ,
- (iii) Counts for contribution to Contributory Provident Fund ,
- (iv) Counts for increments
- (v) Counts for earning leave of any kind

2 It has been decided —

(i) refused leave availed of during a period of re-employment will not break the continuity of re employment

(ii) it will not be taken into account for reckoning the minimum period of one year for eligibility to C P F benefits

(iii) no contributions will be made to the Contributory Provident Fund during the period of refused leave and no subscription will be recovered from the re employed officer during that period

(iv) it will not count for earning increments

(v) it will not count for earning leave of any kind under the Revised Leave Rules 1933

3 The question whether refused leave taken during re employment should automatically extend the period of re-employment by a corresponding period has also been considered. As extension of the period of re employment is independent of the grant of refused leave, it has been decided that an extension of the period of re employment may be left to be decided by the re employing authority itself

[G I M F No 7 (189) Est IV(A)60 dated the 26th May 1962.]

#### *Employment during leave preparatory to retirement*

(30) When a Government servant who has proceeded on leave preparatory to retirement before the date of compulsory retire-

ment is required for employment during such leave in any post under the Central Government in or outside India, and he is agreeable to return to duty, he will be recalled to duty and the expired portion of his leave from the date of rejoining duty will be cancelled. The leave so cancelled will be treated as leave refused and, subject to the provisions of F R 86, it may be granted from the date of compulsory retirement of the Government servant. Such recall will be treated as optional for the purpose of F R 70.

2 When a Government servant is employed in any post under the Central Government, while he is on leave under F R 86, he may continue to enjoy his leave concurrently with such employment.

3 The leave salary of a Central Government employee who is permitted to take up to other employment under a State or under a private employer or employment payable from a local fund, during leave preparatory to retirement or during refused leave under F R 86, or of a Central Government servant who takes up other employment under the Central Government during refused leave under F R 86 shall, whether he is eligible for pension or not, in future be restricted to the leave salary admissible in respect of leave on half average pay.

4 In respect of the fresh employment during leave, the pay of the Government servant will be regulated as if he were a post 1931 entrant in temporary employ. No leave will be earned in respect of such period of employment during leave.

5 During such employment, he may also be granted dearness and compensatory allowances if any, admissible on the basis of pay. These allowances will neither be admissible on leave salary, nor will the leave salary be taken into account in calculating the allowances.

6 These orders will also apply to officers who were initially appointed by the Secretary of State in Council or by Secretary of State and who may be employed during leave preparatory to retirement except that when any such officer accepts Crown employment outside India and Pakistan, the expression 'Crown employment' being taken to mean employment under the Government of United Kingdom or under the Government of any of its Dominions, Colonies or Protectorates, the restrictions on leave salary will not apply.

7 Cases in which officers on leave preparatory to retirement may have already been permitted to accept employment on a basis different from that prescribed above will not be affected.

8 These orders will also apply *mutatis mutandis* to Government servants subject to leave rules other than those contained in the Fundamental Rules.

[G I M F No F 7(5) Est IV/52 dated the 28th March 1952, as amended by G I M F No 7(9) Est IV/58, dated the 21st February 1958.]

NOTE 1—[A doubt has arisen whether Clause 2 of the above order precludes the recall of a Government servant from leave preparatory to retirement granted

under F R 86 and the grant to him if necessary, of further extension of service. It has been held that the intention underlying the aforesaid clause is not to fetter the discretion of the competent authority in the matter. When a Government servant who has proceeded on leave preparatory to retirement under F R 86 is recalled to duty during the period of such leave and is granted further extension of service, the unexpired portion of his leave will be cancelled and the leave already availed of treated as leave taken during the period of extension under F R. 86(b) ]

[ G I M F, No P 7(5) E IV/32 dated the 11th August, 1954 ]

*Benefits of revised scale of pay to re-employed pensioners.*

(31) The benefits of revised scale of pay under the CCS (Revised Pay) Rules 1960, have been extended to certain categories of re-employed pensioners. The pay of the persons who opt for the Rules, will have to be fixed in the revised scales in accordance with Rule 10(1) *ibid* where an existing scale is replaced by another

2 The following instructions are issued in amplification of earlier orders —

(a) In case of persons whose pay had been fixed under order No (10) below Article 509A

The fixation of pay in the revised scale of pay will have to be made with reference to the pay due in the prescribed scale on the date of election of the revised scale and not with reference to the pay actual allowed under Note 1 below sub para (c) of para 1 of Order No (10) on account of the adjustment contemplated in that sub para. There is no need to apply the limit laid down in para 1(c) of Order No (10) afresh but reduction in the pay fixed in the revised time scale should be made to the same extent as was made in the pay in the pre revised scale at the time of fixation of pay initially in the prescribed scale

(b) In case of persons re-employed prior to the 25th November, 1958 whose pay has been fixed under the orders in force prior to the issue of Order No. (10) below Article 509 A

In such cases the pay previously fixed might not always be a stage in the existing scale and could also be an amount below the minimum of the time scale. Where pay in the existing scale was a definite stage therein pay in the revised scale will be the corresponding stage. In other cases pay should be fixed as follows —

(i) Where the pay fixed is above the minimum of the existing scale (but not a stage in it) — Pay should be fixed with reference to the stage next below the pay actually due in the existing scale. In addition the employee will be entitled to the difference between his actual pay in the existing scale and the stage next below it

(ii) Where the pay fixed is below the minimum of the time-scale — It should first be seen by how much amount of the pay in the existing scale is below the minimum and the pay in the

revised scale should be fixed below the minimum of the revised scale by the same amount

In these cases the grant of increments will be subject to any restriction that might have been imposed at the time of original fixation of pay when the re employment commenced e g that pay plus gross pension and pensionary benefits should not exceed the pre retirement pay at any stage

[G I M F No 7(47) E. III/62 dated the 4th February 1963]

#### *Subscription to G P fund by re employed pensioners*

(32) The Government of India have decided that a re employed pensioner may be permitted to subscribe afresh to the General Provident Fund (Central Services) from the date of commencement of re employment provided he is re employed *ab initio* for more than a year Pensioners re employed on a year to year basis will however be permitted to subscribe to the Fund only after one year's service as heretofore

A Government servant who is re-employed during leave preparatory to retirement may continue to subscribe to his old Provident Fund Account in accordance with rules and orders for the time being in force and can subscribe afresh to the General Provident Fund (Central Services) only from the date of retirement from his previous appointment

[G I M F No 28(18) EV/56 dated the 1st November 1956]

### AUDIT INSTRUCTION

FR 56 [clauses (a) and (b)] is generally applicable to re employed personnel and the rules in Chapter XXI of the C S R are subject to the conditions laid down in FR 56 Article 520 C S R however from the nature of its concession and conditions puts the re employment of a person in receipt of a superannuation or retiring pension in a special class outside FR 56 and subject to the conditions stated in the Article itself which must be observed with every renewal of sanction

[Para 3 Chap IX Sec I of Manual of Audit Instruction (Reprint)]

510 When a person who was formerly in the civil or military employment of any Government in India obtains re-employment, whether temporarily or permanently in Government service or in the service of a local Fund it shall be incumbent on him to declare to the appointing authority the amount of any gratuity bonus or pension granted to him in respect of the previous employment The authority re-appointing him shall specifically state in the order of re appointment whether any deduction is to be made from pension or salary as required by the rules of this Chapter and shall communicate a copy of the order to the Audit Officer

NOTE—[The principle of this article applies in the case of continued employment on retirement from Government service The amount of the pension

to be declared is that sanctioned originally; i.e. shall be inclusive of any amount that may have been commuted (Vide Article 542 B and 542C) ~

## GOVERNMENT OF INDIA S ORDERS

(1) A compassionate allowance is to all intents and purposes a pension and the rules regarding re employment of pensioners are therefore equally applicable to the case of persons in receipt of a compassionate allowance

[G I F D No 104 dated the 6th January 1883 Paragraph 744 of the Punjab Manual ]

(2) For the purposes of re employment compassionate allowances are treated as compensation or invalid pension

[Paragraph 746 of the Punjab Manual ]

(3) The rules regarding re employment of pensioners do not apply to Government pensioners re employed under the Court of Wards

[Paragraph 747 of the Punjab Manual ]

(4) Wound or extraordinary pension should be reduced or terminated by virtue of the condition of its award and should not be effected by the Pensioner's re employment in Government service

[G I F D No F/11 R II/1928 dated the 26th September 1928 ]

(5) A Government servant re employed during leave preparatory to retirement continues in service in his old post up to the date of retirement and is treated as a temporary Government servant for the purpose of Revised Leave Rules 1933 only after the date he actually retires from permanent service. As such the first year of his service in the re employed post for the purpose of rule 11 (a) *ibid* should commence from the date following the date of his retirement from permanent service

[G I M F No F 7(46) E IV/54 dated the 1st September 1954 ]

(6) The method to be adopted for the purpose of calculating the pension equivalent of the retiring gratuity to an officer is the same as applied in the case of death cum retirement gratuity i.e. the pension equivalent is to be determined by applying the Table of Commutations of pensions applicable to him at the time of retirement his age being taken as the age next birthday after retirement from Government service

[G I M F No F 7 (125) E V/58 dated the 19th November 1958 ]

## AUDITOR GENERAL S ORDERS

(1) The rules in Chapter XXI C S R regarding re employment of pensioners apply as the wording of Art 510 shows in the case of a person who was formerly in the civil or military employment of any Government in India Burma, after her separation from India is treated as a foreign country and a pensioner of the Government of Burma whose pension is wholly debitable to the revenues of Burma need not be treated as having formerly been in the employment of a Government in India for the purpose of the above mentioned rules



even though technically he was formerly in the employment of a Government in India before the separation when Burma was a part of India

The rules in the C S R applied in such cases in pre separation days because Burma was then an integral part of India and consequently Government of Burma came within the orbit of expression 'Any Government in India', but that is no reason why the same rules unless specifically so worded should apply in the same manner after the separation

2 Technically therefore the restriction imposed by Art 514(a) C S R, will not apply in such cases. The employing authority will however in any event have liberty to fix with proper sanction the pay of the re-employed person in such manner as will take into account the pension drawn by him from the Burma Government

The case of a Government servant transferred from India to Burma on or after the 1st April 1937, who after being pensioned off by the Burma Government obtains re-employment in India is however, different. Such transfers are generally made under foreign service conditions and in such cases the question under consideration will not arise. But in cases where no such arrangement is made the transfers are treated as between two Governments in India and the pension granted to an officer so transferred on his retirement from service under the Government of Burma has to be allocated between the employing Governments in proportion to the length of service (*vide* Note 2 to Rule 8 of the Pension Incidence Rules) and a portion of his pension is debited to the Indian Revenues. Such cases therefore come within the scope of Chapter XXI, C S R to the extent of the Indian portion of the divisible pension

The views expressed above have the concurrence of the Government of India

[Ar Genl's letter No T 791 A/158-41 dated the 22th August 1941 Paragraph 357 of the Ind a supplement]

(2) The question whether the pension of a person appointed as Minister should or should not remain in abeyance should be decided with reference to the rules in the Government of India Act (Constitution) and not with reference to those in the Civil Service Regulations. In the absence of any such provision in the Act (Constitution) a Government pensioner employed as a Minister is entitled to draw his pension in addition to salary

[Ar Genl's letter No 103 508 23 dated the 30th January 1924 Paragraph 756 of the Punjab Manual]

510A The attention of every officer who is re-employed should be specially called to the provisions of this Chapter by the authority re-employing him and whenever he becomes aware of such an appointment, by the audit officer but the failure of such authority to do this will not be admitted as a ground for condoning any breach of the regulations contained in this Chapter

**510B.** Notwithstanding anything contained in the rules in this Chapter, a wound or other extra-ordinary pension sanctioned under Chapter XXXVIII of these Regulations and a wound or injury or disability pension or a disability addition to pension awarded under the military rules shall continue to be drawn by a retired Government servant, civil or military, during re-employment or continued employment, and shall be subject only to the conditions of its award. The amount of such pension or addition to pension shall not be taken into account when fixing the pay during re-employment or continued employment.

**NOTE** —[Where the military pension is consolidated and service and disability elements are not explicitly differentiated, the total pension may be split up in the following manner. The service portion of the pension will be represented by the service pension earned or, if no service pension has been earned, by the proportionate service pension calculated with reference to the minimum ordinary pension admissible for the rank and the actual length of service rendered. In calculating this service element, an amount of fifty naye Paise and over shall be taken as a whole rupee, amounts of less than fifty naye Paise being ignored. The disability portion of the pension will be then balance.]

## SECTION II—CIVIL PENSIONERS

### *Re-employment after Compensation Gratuity*

**511.** An officer who has obtained a Compensation gratuity, if re-employed in qualifying service, may either retain his gratuity, in which case his former service will not count for future pension, or refund it and count his former service.

## GOVERNMENT OF INDIA'S ORDERS.

(1) A man discharged on gratuity owing to incapacity for further service and re-employed the day after is not ordinarily entitled to anything for his second service as the case falls under Art 455 C.S.R. If the entire service be treated as one continuous service, then the previous gratuity should be recovered from that admissible for the combined service

[Paragraph 346 of the India Supplement.]

(2) A person who was retrenched under the General Retrenchment Orders and has been re-employed, is governed by the Re-employed Personnel (Conditions of Service) Rules, 1932, issued under Government of India, Finance Department Notification No. F. 6 XXIV R II 32, dated the 9th September 1932. The re-employed service should, in such a case, be regulated by rules 4 and 5 of those rules and not by Art 511 C.S.R. Service rendered prior to retrenchment cannot, therefore, be combined with the re-employed service by refunding the gratuity or pension received in respect of the former service

[G.I.F. & P.D. No D 1624/E/36, dated the 25th May, 1936, Paragraph 347 of the India Supplement.]

**512.** The intention to refund must be stated immediately on re-employment, but the refund may be made by monthly instalments.

of not less than one-third of the officer's salary, and also not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given. The right to count previous service does not revive till the whole amount is refunded.

NOTE —[The equity of this rule is based upon the consideration that so long as the refund of the gratuity is postponed the officer avoids the risk and the State loses the possibility of the gratuity lapsing absolutely to the public treasury by the death or dismissal of the officer. A subsequent refund of a gratuity even with compound interest does not compensate the State for the loss of this possibility meanwhile.]

### 513 (See Article 510 A)

#### After Compensation Pension

514 \**(a)* An officer who has obtained a compensation pension, if re-employed, may retain his pension in addition to his pay, provided that if he is re-employed in a post paid from General Revenues, the pension shall remain wholly or partly in abeyance if the sum of the pension and the initial pay on re-employment exceeds his substantive pay at the time of his discharge that is, an officer can draw so much of pension only as will make his initial pay plus pension equal to his substantive pay at the time of his discharge. Once the amount of pension has been fixed in conformity with the above condition the officer shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension nor shall the amount of pension so fixed be varied during leave. In the case, however, of a pensioner re-employed in either a permanent or a temporary appointment, for bonafide temporary duty lasting for not more than a year, the Local Government may allow the pension to be drawn in whole or in part even though the sum total of pay and pension exceeds his substantive pay at the time of his discharge.

†*(a)* An officer who has obtained a compensation pension, if re-employed, may retain his pension in addition to his pay, provided that if he is re-employed in a post paid from General Revenues, the pension shall remain wholly or partly in abeyance if the sum of the pension and the initial pay on re-employment exceeds his substantive pay at the time of his discharge that is, an officer can draw so much of pension only as will make his initial pay plus pension equal to his substantive pay at the time of his discharge. Once the amount of the pension has been fixed in conformity with the above condition the officer shall be entitled to receive the benefits of increments in his new scale or promotion to another scale or post without a further corresponding reduction in pension, nor shall the amount of pension so fixed be varied during leave. In the case, however, of a pensioner

\*[Applies to officers under the rule making control of the Secretary of State from the 9th June 1937.]

†[Applies to officers under the rule making control of the Governor-General President from the 9th June 1937.]

re-employed in either a permanent or a temporary appointment for bonafide temporary duty lasting for not more than a year, the Local Government or, in cases where the pension does not exceed Rs. 10 a month, the officer who controls the establishment on which the pensioner is to be employed, may allow the pension to be drawn in whole or in part even though the sum total of pay and pension exceeds *his substantive pay at the time of his discharge.*

NOTE 1 —[This rule applies to the re-employment on all establishments paid from the General Revenues, whether paid by fixed salary or by fluctuating monthly allowances; but it does not apply to pensioners employed on work as coolies and paid daily hire]

NOTE 2 —[In the case of re-employment under a Local Fund, no deduction is made from the compensation pension]

NOTE 3 —[The Government of India may permit an officer who has obtained a compensation pension and is afterwards re-employed in a permanent or temporary appointment duly sanctioned by competent authority, to draw his full pension in addition to the pay and allowances of the appointment, irrespective of the period of such re-employment]

NOTE 4.—[The Local Government may delegate its power under this Article to Heads of Departments in respect of pensioners whose re-employment they are authorised to order.]

NOTE 5 —[The restrictions in the Article do not apply to ex-policemen whose pension does not exceed Rs. 10 a month or to ex-inferior servants]

(b) If his re-employment is in qualifying service, he may either retain his pension (subject to the proviso above stated), in which case his former service will not count for future pension, or cease to draw any part of his pension and count his previous service. Pension immediately drawn need not be refunded.

NOTE.—[An officer counts his previous service under clause (b) if on re-employment his pension remains wholly in abeyance under proviso to clause (a)]

## GOVERNMENT OF INDIA'S ORDERS

### *Pushto allowance.*

(1) Pushto allowance drawn by a pensioner who has been granted compensation pension before re-employment should not be taken into account in applying the proviso in Art. 514(a) C.S.R. which requires that the sum total of pension and pay on re-employment should not exceed the pay of the appointment on the abolition of which the pension was given

[G I F D., No 3133-P, dated the 25th July, 1893, Paragraph 350 of the India Supplement.]

### *Fluctuating allowance*

(2) The restrictions in this Article apply to a Government pensioner re-employed in a temporary establishment which is paid from General Revenues whether he is paid by a fixed salary or by fluctuating monthly allowances

[G I H D., No 1286, dated the 21st September, 1910, Paragraph 351 of the India Supplement]

*Posts paid from contingencies.*

(3) The restrictions contained in this Article are applicable to a Government pensioner who is re-employed in a post paid from the contingent grant

[G I F D No 1088-C S R, dated the 22nd October, 1914, Paragraph 751 of the Punjab Manual]

*Delegation of power.*

(4) The G I. have delegated to the Auditor General the powers of a Local Government under this Article in respect of pensioners whose employment he is authorised to order

[G I F D No 265-F.E. dated the 19th February, 1919, Paragraph 353 of the India Supplement]

**AUDITOR GENERAL'S ORDERS**

(1) A Government pensioner employed as a Minister is entitled to draw his pension in addition to salary. So long as no Act is passed by the Provincial Legislatures fixing the salaries of the Ministers in accordance with section 51(3) of the Government of India Act, 1935 and providing specifically for the non drawal of pensions in addition to their salaries, the position of Government pensioners employed as Ministers remains the same

[Ar Genl's No. 697 Reforms/56-36, dated the 9th June, 1937, Paragraph 756 of the Punjab Manual]

*(See Auditor General's Order No (2) below Article 510)*

(2) The benefit of the revised Art. 514(a) should be allowed automatically with effect from the 9th June, 1937 to all persons who were re-employed before the 9th June, 1937, that is to say, such persons should be allowed to draw their increments which fall due on or after the 9th June, 1937, without any further corresponding reduction in their pensions

[Ar Genl's letter No. T-862-A 205/39, dated the 7th August, 1938]

515. In the case of a Section-writer whose service had been allowed to qualify for pension under special orders of the Government of India, or of a press servant (see Article 380) re-employed, the substantive pay at the time of the discharge is taken at the average earnings of the last six months of employment.

516. If an officer does not, within three months from the date of his re-employment, exercise the option conceded by Article 514, of ceasing to draw pension and counting his former service, he may not thereafter do so without the permission of the Local Government.

517. *Cancelled.*

518. *Cancelled.*

**After Invalid Pension**

519. There is no bar to the re-employment of an officer who has regained health after obtaining Invalid pension, or if an officer is invalided as being incapacitated for employment in a particular branch

of the service, to his re-employment in some other branch of the service. The rules in such a case as to refunding gratuity, drawing pension, and counting service, are the same as in the case of re-employment after Compensation pension.

### After Superannuation or Retiring Pension

520. An officer who is in receipt of a superannuation or retiring pension shall not be re-employed or continue to be employed in service paid from General Revenues or from a local fund, except on public grounds. Sanction to re-employment or extension of the term of employment may be given as follows :—

(i) By the Government of India in the Administrative Department concerned, when the pensioner served before retirement in a gazetted appointment directly under the Government of India or belonged to an Imperial Service or Imperial Branch of any Service, or was an officer who, before retirement, held a post usually filled by officers of an Imperial Service or Branch ;

(ii) In other cases, by the Local Government under whose administration the pensioner is re-employed ;

(iii) By any authority subordinate to a Local Government to whom the Local Government may delegate its powers under this Article in respect of pensioners re-employed in establishments under control of such authority.

NOTE 1 —[A Local Government may declare that the restrictions contained in this Article shall not apply to any particular local fund or to local funds of any particular class in its territories, or that they shall apply subject to such modifications as it may direct.]

\*NOTE 2 —[The re-employment of any Class I or Class II officer after he has attained the age of 60 years, shall be subject to the prior approval of the Ministry of Home Affairs.]

\*[G I M F No 18(5)-E II(B)/62, dated the 1st August, 1962.]

### GOVERNMENT OF INDIA'S ORDERS

(1) See G.I order No (1) on Page 125

*Amplification of this Article*

(2) Article 520 of the C S R in so far as it purports to restrict the exercise by the Provincial Government of the powers conferred by section 241(1) of the Government of India Act, 1935, is no longer operative, and Provincial Governments are in consequence competent to sanction the re-employment of retired officers, including those previously under the rule-making control of the Secretary of State, to posts created by them under their own powers. On the above basis, the G I have come to the conclusion that the proper authority to accord sanction under Art 520 to the re-employment of a retired officer who was previously under the rule-making control of the Secretary of State is now the President or the Provincial Government concerned according as the post in which employment is to be sanctioned lies in the Central or the Provincial field.

It has also been decided that all Indian Universities incorporated

by law for the time being in force in India are for the purpose of this Article Local Funds as defined in Art 33 *ibid*

[Government of India Finance Department, endorsement No 2276 RII/42, dated the 30th November, 1942 Paragraph 365 of the India Supplement ,

(3) In view of the powers possessed by an Administrative Department of the Government of India under clause (i) of this Article, the sanction accorded by such a Department to the re employment or the extension of the term of employment, of a pensioner who served before retirement in a non-gazetted capacity directly under the Government of India, may be accepted in Audit, although a Department of the Government of India has not been invested with the powers of a Local Government under clause (ii) of this Article

[G I F D U O No 5675 C S R dated the 18th November, 1926, Paragraph 361 of the India Supplement ]

#### *Delegations*

(4) The Government of India have delegated to the Central Board of Revenue under clause (iii) of this Article, the power to re-employ pensioners in appointments under their control which are filled by officers not appointed directly by the Government of India This power will be subject to the limitation laid down in Art 526

[G I F D No F/53/C.S.R /26 dated the 12th February, 1926 Paragraph 362 of the India Supplement ]

(5) Under the powers conferred by the Note to this Article the Chief Commissioner, Delhi, has decided that the restrictions contained in that Article shall not apply in regard to the re-employment of pensioners by Local Bodies within the territory of the Delhi Administration

[C.C. Delhi s No 1390, dated the 24th February, 1928, Paragraph 363 of the India Supplement ]

(6) The Government of India have delegated to the Auditor General under Art. 520 (iii), the power to re-employ pensioners, whenever necessary, in the appointments under his control which are filled by officers not appointed directly by the G I The power is subject to the limitations laid down in Art. 521

[G I F D., No 1183 F E., dated the 2nd November, 1917, Paragraph 358 of India Supplement ]

(7) When in special and exceptional circumstances, it is considered desirable to re-employ an officer who has been permitted to retire on proportionate pension in a post under the Government, the pay of the post should be reduced by the full amount of his pension

[G I F D endt No F 12 1-R II/1929 dated the 5th August 1929 Paragraph 360 of the India Supplement ]

#### *Powers of Provincial Governments*

(8) The Provincial Government have full powers to re-employ any officer to posts in connection with the affairs of their Provinces. It would, therefore, not constitutionally be in order for the Government of India to issue any instructions to them in this regard It

will also not be in order to ask the Provincial Governments to consult this (Home Affairs) Ministry or the Federal (Union) Public Service Commission in case of re-employment of Officers in posts in the Provincial services

[G I M H A No 33/17/48 Est., dated the 6th December, 1949 ]

*Employees of the State Bank.*

(9) The question whether the Government of India's pensioners re-employed in the State Bank of India may be continued to be paid the temporary increase in pension beyond the 1st July, 1955, has been considered and it has been decided that for so long as the State Bank of India does not fall within the purview of the 'Local Fund' as defined in Art 33 C S R., the principles of Arts 520 and 521 *ibid* need not be applied in the case of its staff and that the temporary increase in pension may be allowed to such re-employed pensioners

[G I M F No 5934 EV(A)'58 dated the 5th January, 1957 ]

*Reserve Bank*

(10) The revenues of the Reserve Bank of India are not considered as Government revenues or Local Fund for the purpose of this Article. The Reserve Bank is also not treated as commercial employment under Article 531B

[G I M F No 1483 EA(1) 59, dated the 4th June, 1959 ]

*Power of a High Court*

(11) There is no Warrant for giving a restricted meaning to the word "appointment" in Article 229 (1) of the Constitution. Accordingly the Chief Justice of a High Court is competent to re-employ a retired Government servant and to fix his emoluments without any delegation to him of the powers under this Article

[G I M F, No 26 (1) EV/60, dated the 25th February 1961 ]

*Re employment in the U N O*

(12) There are no orders putting any restrictions on pay or pension in the case of persons after retirement from Government of India to take up employment in the United Nations Organisation

**GOVERNMENT OF INDIA'S INSTRUCTION**

All cases of the grant of extensions of service to and re-employment of, superannuated persons are required to be referred to the Ministry of Home Affairs at least three months in advance of the crucial date. It is, however, observed that such cases are generally sent after the expiry of the crucial date or just a few days before that date. Apart from the fact that this practice results in the retention in service of superannuated persons without the appropriate sanctions, it precludes proper consideration of the cases. Attention is again drawn to the provision that the Ministry are as a matter of policy averse to the grant of extensions of service to, or re employment of, superannuated officers save in cases of the most exceptional nature. If, however, such proposals must be made it should be noted that they require to be examined closely, and are decided at a



high level. It is accordingly requested that in future they should be referred to the Ministry of Home Affairs at least six months in advance of the crucial date failing which that Ministry would ordinarily decline to entertain any such proposals.

[GIMHA, No 23/815/51 C.S. dated the 16th November, 1951]

521. The authority competent to fix the pay and allowances of the appointment in which the pensioner is employed shall determine whether his pension shall be held wholly or partly in abeyance. If the pension is drawn wholly or in part, such authority shall take the fact into account in fixing the pay to be allowed to him; provided that (i) where a Local Government has delegated its powers under clause (iii) of Article 520 to the Head of a Department, the latter may not allow the pensioner to draw full pension in addition to the full pay of the post except when the re employment or continued employment is for the bonafide temporary duty lasting for not more than a year or the pension does not exceed Rs 10 a month, and (ii) where the local Government has delegated its power to any other authority subordinate to itself, such authority may not allow the pensioner to draw in full a pension of more than Rs 10 a month in addition to the full pay of the post.

NOTE 1 —[Where the employment is in service paid from a local fund the authority determining whether the pension shall be wholly or partly held in abeyance shall be either —

(i) the authority administering the local fund if so empowered by the Local Government by special or general orders in this behalf, or,

(ii) in any other case the Local Government or such other authority as the Local Government may prescribe.]

NOTE 2 —[The restrictions in this Article do not apply to Ex Policemen, whose pension does not exceed Rs 10 a month or to ex inferior servants.]

## GOVERNMENT OF INDIA S ORDERS

(1) The provisions of Arts 510 and 521 do not apply to High Court Judges. Consequently when offering a post to a retired Judge the authority fixing the pay of the post may, but is not bound to take into the consideration the pension already drawn by him and an audit officer is not required to enquire whether the pension has been taken into consideration. A retired High Court Judge may, therefore be permitted to draw the full pay of the post, in which he is re employed in addition to his full pension.

[GIFD, Endt No F/204 C.S.R./25 dated the 25th January 1927, Paragraph 366 of the India Supplement.]

(2) Under Note 1 to this Article, the Chief Commissioner, Delhi, has declared that the authority administering a Local Fund shall be the authority competent to fix the pay and allowances of an appointment in which a pensioner is re employed and to determine whether his pension shall be wholly or partly held in abeyance.

NOTE —This delegation is subject to the restriction in Article 521 (ii) that the said authority may not allow the pensioner to draw in full a pension of more than Rs 10 p.m. in addition to the full pay of the post.

[C.C. Delhi's No 1389 dated the 24th February 1978 Paragraph 364 of the India supplement.]

(3) Class IV employees on re employment are governed by the provisions of Chapter XXI of the Civil Service Regulations and therefore the principles of pay fixation on re-employment as laid down in Art 521 CSR apply in their case

[GIMF, No F 10 (10) E.V/58 dated the 25th February 1958]

(4) The Government of India find from certain references recently received that some authorities are in doubt about the significance of the term 'the authority competent to fix the pay and allowances of the appointment in which the pensioner is employed' in this Article. These doubts seem to have arisen because some powers have been delegated to different authorities both for the creation of posts and for re employing pensioners. But the delegation of power to create posts is usually subject to the condition that the posts should be on sanctioned scale of pay and the power of fixing the pay and allowances of any post under the Central Government has not been delegated to any authority. In all cases of re employment therefore, the authority competent to determine whether a civil pension shall be held wholly or partly in abeyance under this Article, is therefore the Government of India, in the Ministry of Finance, except to the extent indicated in that Article.

[GIMF No 10(5) E V/30 dated the 6th June 1950]

NOTE —[This order is appl cable in case of re-employment of pensioner who retires on superannuation or ret ring pens on and does not apply to those who retired on inval d pens on]

(5) The pension equivalent of the gratuity/death-cum retirement gratuity which an officer receives on retirement under the new pension scheme should be taken into account for the purpose of determining his pay during re employment. As to how the monthly value of the lump sum gratuity is to be reckoned it has been decided that the pension equivalent of the gratuity which an officer receives on retirement under the new pension scheme should be determined by applying the current Table of Commutation of pensions the age of the person concerned being taken as the age next birth-day after retirement from Government service.

In respect of Government servants opting for the modified rule in para 2(c) of the Government of India Memo No E3(60) Est (Spl)/50 dated the 2nd January 1951 (given under Liberalised Pension Rules) it has already been provided that the pension equivalent of the gratuity will be determined on the basis of the Commutation Table applicable to the Government servant at the time of retirement.

It has also been decided to allow commutation of a portion of pension within admissible limits even when the pension is held wholly in abeyance and even if in case where it is held partly in abeyance the amount of pension desired to be commuted exceeds the amount of pension actually drawn. At the same time it has been decided that if a pensioner whose pension is held wholly in abeyance commutes his pension his pay during the re employment will be reduced from the date the commutation becomes effective by the

amount of pension commuted. If, however, the commutation is in respect of a pension partly held in abeyance, that portion of the pension which is actually drawn during re-employment will be set-off against commutation and if the pension drawn is not sufficient to cover the amount to be commuted, the difference will be set off against the portion held in abeyance, a corresponding reduction being made in the pay during re-employment with effect from the date the commutation becomes effective.

[G I M F, No F 2(17) F V /40 dated the 31st July 1951]

The orders contained above should make it clear beyond doubt that the pension to be taken into account is the gross pension and that it shall include the pensionary equivalent of D C R gratuity or any other form of retirement benefits.

[G I M F No 20(42) EV/57 dated the 5th November, 1957]

(6) It has come to the notice of the Government of India that the instructions contained in order No (5) above were not followed by some authorities in fixing the pay of re employed pensioners. The element of pension equivalent of death cum retirement gratuity not having been taken into account the re employed officer was erroneously allowed to draw more pay than what he was entitled to under the rules thereby resulting in overpayment. It has also been noticed that this over issue of pay was to some extent attributable to incomplete information furnished by the authorities concerned. In order, therefore to obviate the possibility of such an omission it has been decided that in the orders sanctioning re employment it should be made clear that—

(i) In cases where pay on re employment is fixed by keeping pension in abeyance, the pension equivalent of retirement gratuity, if any, should also be reduced from that pay, and

(ii) In cases where pay is fixed after taking into account of element of pension, the pension equivalent of retirement gratuity, if any, has also been taken into account.

[G I M F, No F 19 (12) EV /55, dated the 7th June 1955]

## AUDITOR GENERALS' ORDERS

(1) In the case of an officer who before his retirement was under the rule making control of the Secretary of State, the appropriate authority for fixing his pay or allowances on re employment is the Governor General (President) or the Governor according as the post in which he is employed is in connection with the affairs of the Central Government or of the Province. Such authority is, therefore competent to decide under this Article whether or not his pension is to be held wholly or partly in abeyance during re employment.

[Para 27 A Section III of the Manual of Audit Instructions.]

(2) To hold the pension of a Secretary of State's Officer wholly or partly in abeyance in lieu of the pay to be granted to him on re-employment under the authority of a rule made or deemed to have

been made under Section 247 (1) (e.g. Article 521 C.S.R.) is not an award of a pension less than the maximum pension allowable under the rules made under Section 247 of the Government of India Act [Para 5 sect on IV-A of the Manual of Audit Instructions]

### Exceptions

522 The foregoing rules do not apply to pensioners re-employed under the Court of Wards

523 A pensioner of any class may be employed as an Extra Departmental Agent in the Post Office, or as a Sub Registrar under the law for the registration of documents remunerated by fees only

524 *Cancelled*

### Employment on the Railway Board

524A When an officer who is in receipt of a pension from Indian revenues is appointed President or Member of the Railway Board, he shall be allowed to draw his pension in addition to salary. If, however, an officer still in active service is so appointed, he will be ineligible for admission to pension during his tenure of office on the Board

### In Case of Commutation of Pension

524B In the case of a pensioner who is re-employed in Government service or in the service of a Local Fund and who commutes a portion of his pension after such re-employment, the amount of pension which the pensioner is entitled to draw under the rules in this Section shall be the amount to which he would have been entitled had there been no commutation, less the amount commuted

In the case of a pensioner whose pension is held wholly in abeyance during such re-employment, and who commutes a portion of his pension during this period, his pay during re-employment shall be reduced by the amount of pension commuted with effect from the date on which the commutation becomes absolute. In the case of a pensioner whose pension is held partly in abeyance during such re-employment and who during this period commutes, a portion of his pension in excess of the portion actually drawn, his pay during re-employment shall be reduced, with effect from the date on which the commutation becomes absolute, by an amount representing the difference between the portion of pension commuted and the portion of pension drawn until the commutation

524C In the case of a pensioner a portion of whose pension has been commuted before re-employment the original amount of the pension should be taken into consideration in fixing the total receipts during re-employment or continued employment and not merely the uncommuted pension

## SECTION III-MILITARY PENSIONERS.

525. Except where it is otherwise expressly provided, the rules in Section II of this Chapter do not apply to a military officer, departmental officer, warrant or non-commissioned officer or soldier who is taken into or allowed to continue in civil employ after he has been granted a pension under military rules. The claims of such an officer to salary in the Civil Department are governed by Arts. 526 to 528. His pension for service in the Civil Department will not be affected by his military pension.

## GOVERNMENT OF INDIA'S ORDER.

This Article does not apply to the case of a Non-Commissioned Military Officer in receipt of an invalid pension under Military rules; his pension cannot be affected on re-employment in Civil Department.

[Pay Exr E C.P. 2316 dated the 4th October, 1904, Para 368 of the India Supplement]

526. (a) When a person formerly in military service obtains employment in the civil department after having been granted a military pension, he shall continue to draw his military pension, but the authority competent to fix the pay and allowances of the post in which he is re-employed shall have, in fixing his pay and allowances in the post in which he is re-employed, the power to take into account the amount of pension, including such portion of it as may have been commuted.

(b) A military officer, departmental officer, warrant or non-commissioned officer or soldier who is granted a pension under military rules while he is in civil employ, shall draw such pension while he is in civil employ, but the authority competent to fix the pay and allowances of the post in civil employ, may, with effect from the date from which the pension is granted, reduce such pay and allowances with reference to such officer or soldier by any amount not exceeding the amount of such pension.

NOTE 1 [If the military pension of a person does not exceed Rs 15 a month, it shall not be taken into account in fixing his pay and allowances in the Civil Department and where such pay and allowances have been fixed after taking such pension into account they shall be re-fixed with effect from 1st February, 1942 as if the person is not in receipt of any military pension]

NOTE 2 [Clause (b) of this Article does not apply to a military officer of the Indian Political Service]

NOTE 3 [In the case of all military officers in civil employ granted leave under Fundamental Rule 86 the payment of military pension shall be suspended until the officer is finally retired from civil employ]

## GOVERNMENT OF INDIA'S ORDER.

(1) The salary in the Civil Department of Commissioned Military officer should not be reduced under this Article on account

of any wound or injury pension which he receives in the Military Department

[F D No 6269 P dated the 5th December 1902 Paragraph 369 of the Indian Supplement]

(2) Wound or extraordinary pension should be reduced or terminated only in virtue of the conditions of its award and should be affected by the pensioner's re-employment in Government service

[Paragraph 2 of G I F D No F/1—I R II 1928 dated the 26th September, 1928, Paragraph 770 of the Punjab Manual]

(3) Article 526 (a) and 526 (b) will govern all cases in which re employment or continued employment begins after the 30th May, 1933, the date on which the Article was revised. The emoluments of military pensioners already in service on this date will continue to be regulated according to the rules applicable to them before revision

(4) Article 526 (a) gives the authority competent to fix the pay and allowances of a civil post in which it is proposed to re-employ a military pensioner, the power to take the military pension of such an officer (i.e., one appointed to a civil post after the 30th May, 1933) into account including any portion that might have been commuted, in fixing the pay and allowances of such an officer in the civil post

Article 526 (b) while allowing the military pension to be drawn from the date from which it is granted by the military employer, gives the authority competent to fix the pay and allowances of the post in civil employ, the discretion which must be duly exercised in each case, to take into account the military pension and to reduce the pay and allowances of such an officer from the date, the military pension is granted if it thinks fit

The authority competent to fill the particular post should approach with his recommendations, the authority competent to fix the pay in each case in which a civil military pensioner has been entertained in a civil post or in which a military officer has been granted a military pension while employed in civil post after the 30th May 1933

A reservist while still a reservist is not a pensioner. As reserve pay is not pension it is not affected by any of the restrictions laid down in this Article

[G I F D No F 9 (11) R—II/37 dated the 30th July, 1937]

(5) A question has been raised whether re employed Military Pensioners whose pay on re-employment in a civil post is fixed without taking into account the military pension under Note 1 below this Article should be allowed Dearness, Compensatory (City) and House Rent allowances on the basis of pay alone or on the basis of pay plus pension. It has been decided that in the case of such re employed Military pensioners the above

allowances shall be granted on the basis of pay alone. This procedure should also be adopted in the case of re-employed civil pensioners whose pay on re-employment is fixed without taking into account pension upto Rs 10 per month under the provisions of Art 521 C S R.

The orders will take effect from the date of issue and past cases decided otherwise shall not be re-opened.

[G I M of Defence No 5 (24) (58) 12533 D (Civ 1) dated the 12th December 1958]

(6) A doubt has been raised whether in the case of re-employed pensioner in receipt of pension upto Rs 10 p m (Upto Rs 15 p m in the case of a military pensioner), which is not taken into account for fixation of pay on re-employment temporary increase should be allowed on such pensions. The position is that so long as a pensioner remains re-employed, he should not be eligible for any temporary increase on his pension.

The cases which have been decided prior to the issue of these orders need not be re-opened except that they may hereafter be regulated in accordance with the position now explained.

[G I M F No 15 (1) EV (A)/61 dated the 18th February, 1961]

(7) According to Note 1 below this Article if the military pension of a person does not exceed Rs 15 a month it shall not be taken into account in fixing his pay and allowances in the Civil Department. A question has been raised whether in a case where the Military pension exceeds Rs 15 a month the whole amount over and above Rs 15 should be taken into account in fixing the pay of the individual concerned. It is clarified that the authority competent to fix the pay and allowances of a military pensioner is vested with the discretion to take into account either the full amount of pension or ignore any part of it upto Rs 15 in fixing the pay of the pensioner.

Cases already finally decided will not however be re-opened.

The provisions of Art 526 (b) C S R will continue to remain applicable even in the cases of re-employment regulated under the G I, M F order dated the 25th November, 1958 (Order No 10 on page 318 below Art 509A).

[G I M F No 7(17) Est III/62 dated the 24th May 1962]

## AUDITOR GENERAL'S ORDERS

(1) The determining event for the application of clause (b) old or new as the case may be of this Article is the date when a person is granted his military pension and not the date when he originally obtained employment in the Civil Department.

[Ar Genl's letter No 90 A/216 37 dated the 14th February 1938 Paragraph 372B of the India Supplement]

NOTE—The date of discharge from the Military Department in respect of military pensioners who are granted military pensions while in civil employ under Article 526 (b) C S R will be communicated by the C M A (Now Controller of

Defence Accounts) to the Accountant General concerned and to the head of the office in the Civil Department in which the pensioner concerned is employed

[Letter No A/3179-4 dated the 29th January 1933 from the Controller of Military Accounts and Pensions Lahore—Paragraph 372 of the India Supplement]

(2) Military pensioners obtaining employment in the Civil Department while on leave pending discharge from the Military should be dealt with under Article 526(b)

[Ar Genl's letter No 142 A/72 36 dated 10th April 1937 Paragraph 371 of the India supplement]

### 527, 528 and 528A Cancelled

528B The pension of the heir of an Indian Military officer or Non-Commissioned officer or soldier, or the heir of a Medical subordinate, while during employment in any Civil Department, merge in his salary

## SECTION IV—PENSION FOR NEW SERVICE

529 Except as provided in Articles 525 to 528B, an officer who, having been discharged with a pension is subsequently re-employed, may not count his new service for a separate pension Pension (if any) is admissible only for the new service, combined with the old, the whole being counted as one service

530 If an officer who has obtained a Compensation or Invalid pension is re-employed in pensionable service and retains the pension (See Article 514), the pension or gratuity admissible for his subsequent service is subject to the following limitation, namely, that the gratuity or the capital value of pension shall not be greater than the difference between the value of the pension that would be admissible at the time of the officer's final retirement, if the two periods of service were combined, and the value of the pension granted for the previous service

## GOVERNMENT OF INDIA'S ORDERS

(1) The capital value of the pension granted for the previous service should be calculated on the basis of the age of the officer on the date of final retirement from service

[G I F D No F 6(4) R 11/34, dated the 20th January, 1934 Paragraph 374 of the India Supplement]

(2) A doubt has been raised as to whether in the case of re-employed Government servants who had obtained invalid or compensation gratuity or pension the restrictions prescribed in Arts 530 and 531 C S R should apply to death/residuary gratuity payable under Section II of the New Pension Scheme The question has been carefully considered and it has been decided that the restrictions in Arts 530 and 531 *ibid* should appropriately apply to the payment of death/residuary gratuity in the case of a re-employed Government servant who had obtained invalid compensation pension or gratuity in respect of earlier service and in whose case death/residuary gratuity becomes payable in respect of re-employed service In other words if a re-employed Government servant dies while in



service after completing 5 years' qualifying service, the amount of gratuity payable to his family under sub rule (3) of rule 3 of Section II of the New Pension Scheme should be reduced by the amount of gratuity or pension actually drawn by him in respect of his first spell of service. Similarly, if an officer, dies after final retirement from service, the residuary gratuity if any, due to him under sub rule (4) *ibid* should be further reduced where possible, by the total of gratuity/pension actually drawn for the first spell of service

[G I M F 19(29) EV/55, dated the 16th October, 1956]

(3) The above order was based on the consideration that a Government servant by virtue of his having served a second spell of service after having previously retired on compensation or invalid pension should not be placed in a more advantageous position than one who completes an equivalent period of service in one spell. The amount already received by Mr A by way of pension from the Government of Bombay far exceeds the maximum amount of family pension which could be admissible in the case of any other Government servant with an equivalent period of service rendered in one spell and as such the pension sanctioned by the Government of Bombay should not be further taken into account in determining the amount of family pension admissible now for the service under the Government of India. The family pension in such cases should accrue by virtue of second spell of service which should be determined with reference to the pension sanctioned for that spell only and the pension for the first spell which is drawn separately by the Officer concerned has nothing to do with it

[G I M F No 989 EV/(A)/59 dated the 27th April 1959]

531 (a) If a gratuity received for the earlier service has not been refunded, gratuity or pension (as the case may be) may be allowed for the subsequent service, on condition that the amount of such gratuity or the present value of such pension plus the amount of the previous gratuity shall not exceed the amount of gratuity or the present value of the pension that would have been admissible had the gratuity received for the earlier service been refunded

(b) If the amount of such gratuity or the present value of such pension, plus the amount of the previous gratuity, exceed the amount of gratuity or the present value of the pension that would have been admissible if the gratuity received for the earlier service had been refunded, the excess must be disallowed

531A For the purposes of Arts. 530 and 531, the capital or present value of a pension shall be calculated in accordance with the table prescribed by the Governor General in Council under the 'Civil Pensions (Commutation) Rules'. (See Appendix ~~VII~~ of Volume II)

#### SECTION V—COMMERCIAL EMPLOYMENT AFTER RETIREMENT

531B (a) If a pensioner to whom this Article applies wishes to accept any commercial employment before the expiry of two years

from the date of his retirement, he should obtain the previous sanction of the Governor-General (President) to such acceptance. No pension shall be payable to a pensioner who accepts a commercial employment without such sanction, in respect of any period for which he is so employed or such longer period as the Governor-General (President) may direct ;

Provided that a Government servant permitted by appropriate authority to take up a particular form of commercial employment during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(b) This Article shall apply to every pensioner who immediately before retirement was a member of an All India Service or a Central Service, Class I, but shall not apply in relation to any commercial employment accepted by such pensioner before 1st January, 1948.

(c) In this Article, "Commercial employment" means employment in any capacity including that of an agent, under a company, co operative society, firm or individual engaged in trading, commercial, industrial, financial or professional business, and includes also a directorship of such company and a partnership of such firm but shall not include employment under a body corporate owned or controlled by Government

*Explanation I* For the purpose of clause (a) of this Article, the expression "the date of retirement", in relation to a Government servant re-employed after retirement, without any break, either in the same or in another Class I post under the Central Government or in any other equivalent post under a State Government shall mean the date on which such Government servant finally ceases to be so re-employed in Government service

*Explanation II* For the purpose of this Article employment under a co operative society shall include the holding of any office whether elective or otherwise such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such a society

[GIMF No F 4(35) EV(C)/61, dated the 12th June, 1961]

## GOVERNMENT OF INDIA'S ORDERS.

(1) It has been decided in relaxation of this Article that officers appointed by the late Secretary of State, who proceeded on leave preparatory to retirement due to constitutional changes and took up private, commercial or other employment outside the Indian Dominion during such leave shall not be required to obtain Government's permission for continuing in such employment or taking up other employment outside the Indian Dominion, after retirement. This relaxation shall also be applicable to the case of officers, referred to above, who did not take up any other employment outside the Indian Dominion during leave preparatory to retirement but may wish to do so after retirement

This relaxation shall also be applicable to the case of officers, referred to above, who did not take up any employment outside

the Indian Dominion during leave preparatory to retirement but may wish to do so after retirement

[G I M H A No 29/20/48 Est, dated the 25th September, 1948]

(2) Under this Article retired Government servants who belonged to All India Services or Central Services, Class I, are required to obtain the permission of Government before taking up any commercial employment within two years of their retirement

According to the existing instructions, retired Engineers of the Central Public Works Department are debarred from working for the department either as contractors or as employees of contractors. It has now been decided that such a ban should be removed and that, as in the case of retired officers of All India Service and Central Services Class I, retired Engineers taking up commercial employment should be required to obtain prior permission of Government, if they seek employment as contractors or under such contractors within two years of retirement

It has also been decided that the principle should be adopted uniformly in respect of all Engineers of gazetted rank and other gazetted officers employed on engineering or administrative duties in the engineering departments of the Government of India, who after retirement, seek employment as contractors for or in connection with the execution of Public Works (including Railway and Defence Works) or as employees of such contractors, within two years of their retirement. Such permission within two years of such an officer's retirement will be given very rarely and only in special circumstances

No person who is covered by these orders and has not obtained the necessary permission should be given any such contract and a condition should be incorporated in the terms of the contract that it is liable to cancellation if either the contractor himself or any of his employees is found to be a person to whom these orders applied and he had not obtained the necessary permission

As a further safeguard, it has also been decided that at the time of sanctioning pension, officers of these categories should be required to sign an undertaking that they would not seek such employment within two years of retirement without the prior permission of Government. In the case of non pensionable officers, the officers should be required to sign a similar undertaking at the time they are paid the gratuity.

[G I M H A, No 29/5/55—Est dated the 29th June, 1956]

#### AUDITOR GENERAL'S ORDER

The Auditor General has decided that officers disbursing pensions should obtain monthly certificates from the pensioners in the following form if suitable certificates have not already been prescribed by the Accountant General or Comptrollers as the case may be.

## CERTIFICATES

(1) I declare that I have not accepted any commercial employment.

or

I declare that I have accepted commercial employment after obtaining the previous sanction of the Governor General (President)

NOTE 1—[The certificate is required to be given for a period of two years from the date of retirement by every pensioner who immediately before retirement was a member of an All India Service or of a Central Service, Class I]

NOTE 2—[The certificate refers to the acceptance of commercial employment on or after the 1st January 1948]

NOTE 3—[‘Commercial employment’ means employment in any capacity including that of an agent under a company firm or individual engaged in trading commercial industrial financial or professional business and includes also a directorship of such company and partnership of such firm]

(2) I declare that I have not accepted any employment under a Government outside India

or

I declare that I have accepted employment under a Government outside India after obtaining the previous sanction of the Governor General (President)

NOTE 1—[The certificate is required to be given by every pensioner who immediately before retirement was a member of an All India Service or of a Central Service Class I]

NOTE 2—The certificate refers to the acceptance of such employment on or after the 26th July 1949

NOTE 3—[Employment under a Government Outside India’ includes employment under a local authority or corporation or any other Institution or organisation which functions under the supervision or control of a Government outside India]

[Ar Genl's letter No 2060 Admn 452/49, dated the 10th November, 1949]

#### SECTION VI—EMPLOYMENT UNDER A GOVERNMENT OUTSIDE INDIA AFTER RETIREMENT

531C (a) If a pensioner to whom this Article applies wishes to accept any employment under a Government outside India, he should obtain the previous sanction of the Governor-General (President) to such acceptance. No pension shall be payable to a pensioner who accepts such an employment without proper permission, in respect of any period for which he is so employed or such longer period as the Governor General (President) may direct.

Provided that a Government servant permitted by the appropriate authority to take up a particular form of employment under a Government outside India during his leave preparatory to retirement shall be required to obtain subsequent permission for his continuance in such employment after retirement.

(b) This Article shall apply to every pensioner who immediately before retirement was a member of an All India Service or of a Central Service, Class I, but shall not apply in relation to any employment referred to in clause (a) above accepted by such pensioner before 26th July, 1949.

(c) For the purpose of this Article, "employment under a Government outside India" shall include employment under a local authority or corporation or any other institution or organisation which functions under the supervision or control of a Government outside India.

### QUESTIONS

Q. 1. A Government servant has the following record of service —

Date of birth 1-8-1897, date of entry into service 1-8-1917; scale of pay of the post held by him Rs. 50 5-100, date of substantive appointment 1-8-1918, discharged as a result of reduction of establishment from 1-8-1932 on a compensation pension. He did not avail of any leave other than P L and L A P not exceeding 4 months. Re-appointed in a substantive capacity in other post on a scale of Rs 45-3-75-5 100 from 1-2-1934. Retired on attaining the age of 55 years. He did not avail of any leave other than earned leave throughout his service from 1-2-1945. He opted out of the pension rules of April, 1950.

Calculate the pension admissible separately, in respect of the first and second posts. He opted to retain pension in respect of the first post, while he was employed in the second post. (S A S July, 1953)

Ans.

Date of birth—1-8 1897

Substantive appointment from 1-8-1918

Date of discharge 1-8-1932

Gross service from 1-8-1918 to 31-7-1932—14 years

As he was in the scale of Rs 50 5-100 from 1-8 1917, he was drawing Rs 100 (the maximum of the scale) on 1-8-1928, his average emoluments for pension is Rs 100 under Arts 425 and 465 C S R. Since he has put in 14 years of qualifying service, his compensation pension will be —

$$\frac{1}{4} \times 100 = 25 = \text{Rs } 23 \text{ } 5 \text{ p m}$$

On re employment in the second post in the scale of 45-3-75-5-100 on 1-2-1934 his initial pay will be fixed at Rs 100. On retirement he is entitled to a pension of Rs  $\frac{1}{4} \times 100 = \text{Rs } 30$  restricted to the pension admissible to him if the two spells of service were combined viz.  $\frac{1}{4} \times 100 = \text{Rs } 50$ . Since he is drawing Rs 23-5 on account of pension for the first spell he will be entitled to a pension of Rs 50 minus Rs 23-5 = Rs 26-11 for the second spell under Art 530 C S R.

**Q 2** An officer applied for retirement on superannuation pension but on public grounds he was offered an extension of service for one year. The officer insists that he should be allowed to retire and suggests that if his services are required after the date of his retirement he may be employed on re-employment terms. Comment, citing the relevant rules.

**Ans**

The officer cannot be forced to remain in service by granting him extension when he exercises his right to retire at the age of 55 years under Art 464 C.S.R. If his services are required on public grounds after retirement he may be re-employed on re-employed terms as suggested by him *vide* Art 520 C.S.R. (S.A.S. July 1953)

**Q 3** An Accountant General who has been drawing pay at Rs 2750 for over 5 years was sanctioned leave preparatory to retirement for 6 months on A.P. from 1.1.1958. He has over 30 years qualifying service and he has opted out of the 1950 Pension Rules. He is re-employed for a period of 2 years as Chief Accounts Officer Supply Department from 1.1.1958 and allowed to take leave salary from 1.1.1952 till 30.6.1958 in addition to pay as Chief Accounts Officer. What pay and leave salary will he get during his re-employment?

**NOTE**—Scale of pay of Chief Accounts Officer—

Pre-31 entrants—Rs 2250 100 2750

Post-31 entrants—Rs 1,800 100 2000

**Ans**

For the period of leave viz 1.1.58 to 30.6.58 the Accountant General will be entitled to leave salary restricted to the amount of leave salary admissible in respect of leave on H.A.P. viz Rs 750 under F.R. 89 according to G.I.F.M. memo No. F.T. (9) Estt IV/53 dated 21.2.58 (Past cases are not to be re-opened). In addition he will draw Rs 1800 on account of pay as Chief Accounts Officer.

**Q 4** A Collector of Customs born on 15.10.1897 retires on 27.10.1952. He is immediately re-employed as a temporary Collector for one year only and the period is counted as a service for additional pension as a Collector. Examine the propriety. (S.A.S. July 1953)

**Ans**

The Collector is required to retire after attaining the age of superannuation viz on 15.10.1952. As he retired on 26.10.1952 it is presumed that either he was given refused leave or his services were extended under F.R. 56 (a). Under Art 529 C.S.R. a re-employed Government servant cannot count his new service for a separate pension. Moreover the post of a Collector is not included in the posts enumerated under Art 475 or 475A C.S.R. Also the re-employment is in a temporary post. The temporary service for 1 year of the Collector cannot therefore count for additional pension.

**Q 5** An officer who was in receipt of substantive pay at Rs 400 in the scale of 350 25 450 plus special pay of Rs 30 p m was retired on 18 12 1948 on compensation pension fixed at Rs 150 p m. He was re-employed on 16th September 1949, in a pensionable post in the scale of 300 20-400 with special pay of Rs 30 but elected immediately against earning a future pension. What would he have been eligible to draw for the month of November, 1950 after he had decided on 31st October 1950 to forego his pension and refunded the amount of pension already drawn up to that date? (S A S July, 1951)

**Ans**

On re-employment on 16 9 1949 in the scale of Rs 300 20-400 the officer should have exercised the option of ceasing to draw pension of the former post and counting that service for future pension under Art 516 C S R. As he decided to forego his pension on 31st October, 1950 i.e. much more than three months after 16 9 1949, he cannot be permitted to exercise that option. He will be entitled to draw Rs 300 as initial pay in the scale of Rs 300 20-400 and a pension of Rs 100 under Art 514 (a). His remaining pension of Rs 50 will be held in abeyance. He will be entitled to draw special pay of Rs 30 in addition. His next increment of Rs 20 falls due in September, 1950 and he would draw then @ Rs 320 p m as pay.

**Q 6** A Government servant is re-employed with effect from 1-4 1952 after he had retired on a superannuation pension. State how his (a) pay and (b) pension in respect of his re-employed service should be regulated.

**Ans**

The authority competent to fix the pay and allowances of the appointment in which the pensioner is re-employed shall determine whether the pension shall be held wholly or partly in abeyance. If the pension is drawn wholly or in part such authority shall take the fact in account in fixing the pay to be allowed to him in the post in which he is re-employed vide Art 521 C S R.

In the case where pay on re-employment is fixed by keeping pension in abeyance the pension equivalent of retirement gratuity if any should also be reduced from that pay.

In the case where pay is fixed after taking into account of element of pension the pension equivalent of retirement gratuity if any has also to be taken into account. [G I order No (6) on page 347]

Past service will not count as service for pension.

**Q 7** An officer who obtained a compensation pension of Rs 50 p m and whose substantive pay at the time of discharge was Rs 200 is re-employed in a post in the scale of 150 10 200. It is

proposed to fix his pay at Rs 170 by giving 2 advance increments under F R 27 Comment (S A S Jul), 1953)

Ans.

Normally the officer is entitled to get his pay fixed at Rs 150 on re-employment as his pension and pay in the second post should not exceed his substantive pay in the first post vide Art 514 C S R. But if he has been re-employed in either a permanent or a temporary appointment for bonafide temporary duty lasting for not more than a year the Local Government or G I may fix his pay at Rs 170 p m

## PART V—RULES APPLICABLE TO SPECIAL DEPARTMENTS OR SPECIAL OFFICERS

### Chapter XXV—Members of The Indian Civil Service Date of Arrival in India

551 The date of an officer's first arrival in India is held to be the date on which he reports his arrival at the capital town of the Presidency or province to which he has been posted by the Secretary of State or the Government of India, or at any other station to which he may proceed under the orders of the Local Government

552 Article 187 in Chapter IX (joining time) provides for the case of an officer being unable from illness to proceed to the seat of Government

### Rules regarding Pay and Allowances

553 Unless there be something repugnant in the subject or context pay and allowances are governed by the rules in Part II. Acting allowances are calculated in accordance with the rules in Articles 104 to 108

### Leave Rules

554 The leave rules applicable are the European Service Leave Rules in Part III.

1. The rules applicable to a member of the Indian Civil Service occupying the position of a High Court Judge are laid down in Chapter XXIII

2. The grant to a member of the Indian Civil Service occupying the position of a Chief Court Judge of Privilege leave and the conditions under which leave may be combined with vacation on full pay are regulated by Rules 17 and 24 (A), Article 543

555 Except in the case of Judges of Chief Courts, no leave but Privilege leave may be granted to an officer who has completed thirty-five years service. Any leave other than Privilege leave granted before such date ceases to have effect on the date the officer completes thirty-five years service

### Four Per Cent Deductions

556 Four per cent shall be deducted at the time of payment from



every officer's pay, and from such of his other public emoluments as are mentioned below :—

Every allowance excepting :—

- (1) Minimum furlough allowance,
- (2) Subsistence allowance while on furlough,
- (3) Establishment allowance,
- (4) Sumptuary allowance,
- (5) Travelling allowance,
- (6) Tentage.

The amounts so deducted shall be funded for the benefit of the officer himself with effect from 1st April, 1919. They shall be returned to him on retirement or his legal representative in case of death, with the same interest as is allowed on subscriptions to the General Provident Fund.

NOTE 1 —[Fees or honoraria paid by Government to Examiners for conducting examinations and rewards for passing examinations in languages are not liable to the deduction prescribed in this Article.]

NOTE 2 —[The deduction prescribed in this Article is not made from the salary of an Ordinary Member of the Council of the Governor General, or of the Council of the Governor of Madras or Bombay or Bengal, or of the Council of the Lieutenant Governor of any Province.]

### Civil Fund Deductions

557. Deductions on account of subscriptions to Civil Funds shall be made at the time of payment from the emoluments of officers according to the rules of the Fund to which the officer belongs. The funds are :—

A.—Bengal Civil Fund.

B.—Madras Civil Fund.

C.—Bombay Civil Fund.

D.—Indian Civil Service Family Pension Regulations.

NOTE —[The rates of subscriptions to the several funds are given in \*Appendix II.]

558 and 559. *Cancelled.*

560. (a) The recovery of subscriptions due on the absentee allowances of subscribers to the Bengal, Madras, and Bombay Civil Funds, is made under the following rules :—

(1) If the officer is on leave out of India and draws his allowances in England and has not paid his subscription in advance, or made arrangements for its payment in India as it falls due, recovery will be made at the Home Treasury by deduction from his absentee allowances, unless he is a member of the Bengal or Madras Civil Fund, and has

exercised the option allowed to members of those funds of postponing the payment of his subscriptions until after return to duty.

NOTE.—[The option allowed to subscribers to the Bengal Civil Fund of postponing payment of subscriptions on absentee allowances is limited to a period of one year]

(2) For the payment of leave allowances in any of his Majesty's colonies, warrants will be issued only on condition that the subscriptions shall be either paid in advance or taken by deduction; in the latter case the warrant to the colony should show only the net allowance payable after such deduction.

(b) The recovery of subscriptions due on the absentee allowances of subscribers to the Indian Civil Service Family Pension Regulations is made under the following rules:—

(1) If the subscriber is in Europe, the rules require his subscription to be paid in England in sterling, and recovery of it will, therefore, be made at the Home treasury by deduction from his absentee allowances.

(2) For the payment of leave allowances in the colonies, the warrants issued will show the gross allowances payable, with instructions to recover the amount of monthly subscription due in sterling.

### Retirement and Annuity

561. An officer who has been twenty-five years in the service \*(excluding leave without pay) counting from the date of his covenant [or from the date of the despatch of the Secretary of State announcing his appointment (whichever may have been earlier)] and who has rendered twenty-one years' active service, is entitled, on his resignation of the service being accepted, to †[an annuity of Rs. 13,333-5-4 (Rs. 13,333.33 with effect from 1st April, 1957) if he is an Indian officer or, being a non-Indian officer, draws his pension in India, and to an annuity of Rs. 10,666-10-8 (Rs. 10,666.66 with effect from 1st April, 1957), subject to a minimum of £ 1,000, if he is a non-Indian officer and draws his pension through the High Commissioner for India in London.]

### GOVERNMENT OF INDIA'S ORDERS

(1) During the period of absence of leave without allowances a Covenanted Civil Servant should be considered to be in the service within the meaning of Articles 561 and 564 C S R. (Allahabad).

[Paragraph 377 of the India Supplement.]

(2) An application from a member of the I.C.S. for permission to resign the service or for the grant of the annuity or gratuity admissible under the rules will be disposed of by the Provincial

\* (The addition is by the author)

† Substituted vide G I M F. No. F 7(19)-EV/57, dated the 29th June, 1957, and shall be deemed to have effect from the 12th June, 1956, in its application to members of the I.A.S., who, before becoming such members, were members of the I.C.S.

Government on whose cadre the officer is borne at the time of retirement

[G I H D No D 4200-A —Ests, dated the 4th March 1922 Paragraph 354 of the Punjab Manual]

(3) The Government of India in consultation with the Auditor General have held that Study Leave is not "Active Service" within the meaning of Articles 8 and 9 C.S R and cannot, therefore, count for annuity under this Article

[G I express letter to the Secretary of State No. F 3613/37 Ests, dated the 12th July 1937, Paragraph 353 of the Punjab Manual]

(4) Figure 'Rupees and nP' expressed in brackets in Article 561 indicate the exact equivalent of figures 'Rupees and annas' shown outside the brackets according to the conversion table of decimal system of coinage. The annuities admissible under this Article should, however, be treated under Article 468A C.S R when the actual payment is made

[G I M F No 2220-EV(C/59, dated the 21st July, 1959)]

## ACCOUNTANT GENERAL'S ORDER

There is no prescribed form of application for pension either in the case of Chaplains or in that of the members of the I.C.S. Pension applications in the form as prescribed in Art 913 (b) C.S R. are not required in these cases

[A.G.C.R. letter No Pen /1221, dated the 7th August 1922 Paragraph 355 of the Punjab Manual]

## AUDITOR GENERAL'S ORDER

Members of the I.C.S. appointed on probation will count for service for pension from the date of covenant entered into on the satisfactory completion of the year's probation

[Ar Genl's letter No 447 A/35 dated the 3rd November, 1938]

562 An officer who resigns the service will, by such resignation vacate any office under the Government which he may then be holding. But this rule does not apply to offices of Viceroy and Governor General of India, Governor of Madras, Governor of Bombay and Governor of Bengal.

563 The resignation of the Civil Service by a Lieutenant-Governor, Member of the Council of the Governor General, or of the Council of a Governor or of a Lieutenant Governor, or Judge of a High Court, shall not be accepted unless his resignation of his office is at the same time tendered and accepted

564 An officer who is declared by a medical certificate in due form to be incapacitated for further service, and is thereupon permitted to resign the service before he is entitled to an annuity under Article 561 is entitled to an annuity as on next page —

Total active service	Annually	Minimum admissible to non-Indian officers if the annuity is drawn through the High Commissioner for India in the U.K.
Not less than 10 years but less than 11 years	Rs 4 266.10-8 (Rs 4 266.66 with effect from 1st April, 1957)	£ 320
Not less than 11 years but less than 12 years	Rs 4 800	£ 360
Not less than 12 years but less than 13 years	Rs 5 333 5-4 (Rs 5 333.33 with effect from 1st April, 1957)	£ 400
Not less than 13 years but less than 14 years	Rs 5 866 10-8 (Rs 5 866.66 with effect from 1st April 1957)	£ 440
Not less than 14 years but less than 15 years	Rs 6 400	£ 480
Not less than 15 years but less than 16 years	Rs 7 200	£ 540
Not less than 16 years but less than 17 years	Rs 8 000	£ 600
Not less than 17 years but less than 18 years	Rs 8 800	£ 660
Not less than 18 years but less than 19 years	Rs 9,600	£ 720
Not less than 19 years but less than 20 years	Rs 10 400	£ 780
Not less than 20 years but less than 21 years	Rs 11,200	£ 840
Not less than 21 years	Rs 12,000	£ 900

564A. Officers who, prior to their civil employment, have rendered whole-time enlisted or commissioned service between 4th August, 1914, and 31st August, 1921, in His Majesty's Military, Naval or Air Forces, British or Indian, which did not earn a service pension under the Military, Naval or Air Force Rules, shall count completed years of such service, including sick leave taken during such service, upto a maximum of four years, for the purposes of Articles 561 and 564 subject to the following conditions :—

(1) Only service rendered after the attainment of the age of 23 years shall be allowed to count.

(2) Save as stated in Note 2, no refund of bonus or gratuity received in respect of such service shall be required from the officer

NOTE—1. [Members of the service (excluding Surplus Officers of the Indian Army) shall be entitled to the concession allowed by the substantive portion of this Article or to the following concession whichever is more favourable :—

Service in His Majesty's Forces will count for active and total service for annuity, including invalid annuity, as follows :—

Candidates who had attained the age of 25 but were under the age of 27 years on 1st August preceding their arrival in India, may count a period not exceeding one year, provided that such period was spent on whole-time enlisted or commissioned service (including sick leave) between 4th August, 1914, and 31st August, 1921. Candidates of 27 years and over on 1st August preceding their arrival in India may similarly count a period not exceeding two years subject to the same proviso.]

NOTE 2 —[Officers of the Indian Army retired as surplus under the terms of the Royal warrant of 25th April, 1922, shall be entitled to the concession allowed by the substantive portion of this Article or to the following concession whichever is more favourable —

They shall be allowed to count as active and total service for annuity including invalid annuity, all service in the Indian Army (excluding service in the British Army which would have counted for Indian Army pension) rendered after attaining the age of 23 years and subject to a maximum period in all of four years, but the gratuity, if any, received by them under that Royal Warrant shall be refunded to Government.]

564B The power of withholding or withdrawing the whole or any part of an Annuity under Article 351 shall be exercised only by the Secretary of State in Council.

#### Unfitness for further Advancement

564C. The grant of annuity to an officer of the Indian Civil Service who is proved to be unfit for further advancement and is removed from service by the Secretary of State on the recommendation of the Local Government and the Government of India, is regulated by Article 353A.

#### Compulsory Retirement

565. (a) After thirty-five years' service, counting from the date of his arrival in India, an officer shall not, except for special reasons, and with the sanction of the Secretary of State, retain his

office or be appointed to any new office: Provided that if such an officer has held his office for less than five years, he may, for special reasons, with the sanction of the Government of India, be permitted to retain his office until he has held it for five years. The term "office" in this Article includes an officiating appointment.

NOTE —[This rule does not apply to an officer holding the appointment of a Judge of a Chief Court. Such an Officer is required to vacate his appointment on attaining the age of 60 years.]

(b) The period of five years begins to run from the date on which the officer first takes up the office, whether substantively or temporarily, provided that, if temporary, he is confirmed without reverting to his substantive appointment, but the currency of the period is not interrupted by any subsequent temporary promotion to a higher appointment.

NOTE —[The term "Office" as used in this Article does not include any office held under direct appointment by His Majesty, the King Emperor of India or by the Governor General with the approval of the King Emperor, but the retention of such an office should be subject to the condition prescribed in Article 563.]

### GOVERNMENT OF INDIA'S ORDER.

(1) The proviso in Article 565 applies to an officiating Judge of a High Court. The Government of India may sanction, for special reasons always to be recorded the retention by a member of the Indian Civil Service of his officiating appointment as a Judge, High Court (Bengal)

[G I F D No 5151 P, dated the 16th August, 1907, Paragraph 378 of the India Supplement]

(2) The Secretary of State has ruled that Art. 565 C S R and Fundamental Rules 56 (c) (i) do not confer any right on a member of the I C S to serve for 35 years and compensation under Section 96 (b) (2) of the Government of India Act for termination of service before that period. He has also decided that it is contrary to public interest to allow a person who has held His Majesty's warrant of appointment as a member of an Indian Government, whether Central or Provincial to revert to the service of the Crown in India in an inferior capacity but it is not appropriate to prescribe any rule to that effect.

Whether any such officer can have no claim as of right to revert to a post in the ordinary line, it is open to the Local Government to appoint him to a post like that of the Chairman or Member of a Committee or Commission not borne on the cadre of the service to which he belongs.

In case this order involves retirement before full pension is earned, the amount of pension in each such case will be considered on its own merits, by the Secretary of State.

[G I H D No F-58/30 Ests, dated the 6th February, 1930.]

## Chapter XXX—Civil Engineers And Telegraph Officers

## SECTION I—PAY AND LEAVE ALLOWANCES

627. The rules in this Chapter apply, to the extent stated in the several Articles, to the following officers :—

(a) Officers of the Public Works, Railway and Telegraph Departments appointed from the Royal Indian Engineering College at Coopers Hill.

(b) Stanley Engineers.

(c) Other Civil Engineers and Telegraph officers appointed by the Secretary of State.

(d) Indian College Engineers appointed in India.

(e) Other Civil Engineers not of purely Asiatic descent appointed in India.

NOTE.—[Section III of the Chapter applies not only to the Civil Engineers and Telegraph Officers enumerated in the Article, but also to the following classes :—

(a) Superior Civil Officers of Telegraph Department not included in clauses (a) and (c).

(b) Civil Engineers of the class described in clause (e) who are of pure Asiatic descent.]

## Commencement of Service

628. If a Coopers Hill Engineer lands in India on or before 1st December of the year in which he passes out of College, his service counts from the preceding 1st October, unless another date should be specified in his letter of appointment.

629. If a Coopers Hill Engineer is, after completing his three years' residence at College required to go through a course of practical engineering in England under a Civil or Mechanical Engineer, his service, unless another date should be specified in his letter of appointment, will reckon from the commencement of the practical course, or from such later date as will be consistent with the regulation that he may count as service towards pension the time spent on such practical course to the extent of one year only.

630. The service of a Coopers Hill Engineer, whose case is not provided for in Article 628 or 629, and who does not land in India by 1st December, and that of any other Civil Engineer appointed by the Secretary of State counts from the date on which he lands in India.

631. The service of an officer appointed to the Telegraph Department after training or competitive examination, by the Secretary of State, begins as follows :

(i) If appointed after competitive examination, from date of covenant.

(ii) If appointed after training at Coopers Hill, from date of

sailing of vessel selected by the Secretary of State or 1st October in the year of passing out of the College, whichever is named in his letter of appointment, provided that he reaches India within two months of that date or other approximate date named in his letter of appointment; otherwise from date of arrival in India.

632. The service of an officer appointed in India begins ordinarily from the date on which he takes charges of the office to which he is first appointed.

### Rules regarding Pay and Allowances and Leave

633. Unless there be something repugnant in the subject or context, the rules in Part II govern pay and allowances of officers to whom the rules in this Chapter apply, the acting allowance rules applicable to them being those in Chapter VI.

634. The Civil Engineers and Telegraph Officers whose leave is regulated by the European Service Leave Rules (Chapter XIII) are determined by Article 310. The Leave of all other officers is regulated by the Indian Service Leave Rules (Chapter XIV).

## SECTION II—PENSION RULES

635. The rules in this Section apply to all officers of the classes described in clauses (a) to (c) of Article 627, with the exception, save as provided below, of officers of the Indian Railway Service of Engineers and of the Provincial Engineering Service, State Railways, who joined their appointments on or after 17th September, 1925, and of officers included in clause (c) of Article 627 appointed on or after the 6th day of December, 1932.

NOTE 1 —[The rules in this Section apply to Mr J H C Kelly, of the Indo-European Telegraph Department, and to Mr T Ryan, of the Indian Audit and Accounts Service. They apply also to Messrs R C Harvey and Q F. Rahman, of the Indian Railway Service of Engineers who joined their appointments after 17th September, 1925, and to officers in pensionable service who were or may be promoted to the Indian Railway Service of Engineers or Provincial Engineering Service, State Railways, on or after 17th September, 1925.]

NOTE 2 —[Except as provided in this Article the rules in Article 643 apply to all classes of officers in pensionable service of the Public Works, Railway and Telegraph Departments.]

NOTE 3 —[Officers of the Indian Telegraph Department who may be transferred to the Indo European Telegraph Department retain the pensionary privileges of their own branch of the Department.]

636. The pensionary claims of officers of the classes described in Article 627 and the note under it whose cases have not been provided for in the preceding Article will be governed by the ordinary Rules in Part IV. But in the case of officers of this Class who may rise to the rank of Superintending Engineer, or in the Indo-European Telegraph Department, of Director, the Government of India will be prepared to consider favourably their admission to the pension rules, including those



contained in Article 642, applicable to the officers specified in Article 635 :

Provided that Civil Engineers and Telegraph Officers who are Members of the Provincial Services of the Public Works, Railway and Telegraph Departments are not eligible for the concession described in this Article.

1. The Public Works Department of the Government of India exercises the powers of the Government of India under this Article in respect of engineer officers of that Department.

2. The concession made under this Article does not affect the operation of the rules which determine the age from which qualifying service begins

637. The Government of India may, on special grounds, recommend for sanction of the Secretary of State the grant of an invalid pension on the scale below to an officer belonging to the classes referred to as appointed in India in Article 627, provided that he be not of purely Asiatic descent. This Article does not apply to officers of the Provincial Service.

Not less than Rs 1,000 or more than Rs 2,000 a year.

<i>If the qualifying service of the officer be not less than—</i>	<i>Forty-fifth part of the officer's average Emoluments</i>
10 years	10
11 "	11
12 "	12
13 "	13
14 "	14

638. Unless there is something repugnant in the subject or context, the rules of Part IV apply to officers defined in Article 635, but they are modified in the points noted in the following Article.

639. The rule which excludes service under the age of twenty years does not apply to the officers defined in Article 635 or to Indian College Engineers.

640. Privilege leave and Subsidiary leave taken under the rules in force prior to 29th July, 1920, count as service. Other leave counts to the extent stated in Article 408.

#### AUDITOR GENERAL'S ORDER.

When a Chief Engineer proceeds on leave after vacating office, he continues to remain a member of the service to which he belongs and therefore remains in the employment of Government in a substantive and permanent capacity. The Auditor General with the concurrence of the Government of India has, therefore, decided that the conditions of Articles 361 and 368 C S R should be held to have been fulfilled in such cases and that the leave without lien granted to a Chief Engineer on vacating office should be regarded as qualifying for ordinary pension. The extent to which such leave should count should be governed by Articles 407, 408 and 640 C.S.R.

[Ar. Genl.'s letter No 365-A/98-43, dated the 16th July, 1943 to the Accountant General, Madras, Paragraph 379 of the India Supplement]

sailing of vessel selected by the Secretary of State or 1st October in the year of passing out of the College, whichever is named in his letter of appointment, provided that he reaches India within two months of that date or other approximate date named in his letter of appointment; otherwise from date of arrival in India.

632. The service of an officer appointed in India begins ordinarily from the date on which he takes charges of the office to which he is first appointed.

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NOTE 1.—[The rules in this Section apply to Mr J H C. Kelly, of the Indo-European Telegraph Department, and to Mr T Ryan, of the Indian Audit and Accounts Service. They apply also to Messrs R C Harvey and Q F Rahmar, of the Indian Railway Service of Engineers, who joined their appointments after 17th September, 1925, and to officers in pensionable service who were or may be promoted to the Indian Railway Service of Engineers or Provincial Engineering Service, State Railways, on or after 17th September, 1925.]

NOTE 2.—[Except as provided in this Article the rules in Article 643 apply to all classes of officers in pensionable service of the Public Works, Railway and Telegraph Departments.]

NOTE 3.—[Officers of the Indian Telegraph Department who may be transferred to the Indo-European Telegraph Department retain the pensionary privileges of their own branch of the Department.]

636. The pensionary claims of officers of the classes described in Article 627 and the note under it whose cases have not been provided for in the preceding Article will be governed by the ordinary Rules in Part IV. But in the case of officers of this Class who may rise to the rank of Superintending Engineer, or in the Indo-European Telegraph Department, of Director, the Government of India will be prepared to consider favourably their admission to the pension rules, including those

contained in Article 642, applicable to the officers specified in Article 635 :

Provided that Civil Engineers and Telegraph Officers who are Members of the Provincial Services of the Public Works, Railway and Telegraph Departments are not eligible for the concession described in this Article.

1. The Public Works Department of the Government of India exercises the powers of the Government of India under this Article in respect of engineer officers of that Department.

2. The concession made under this Article does not affect the operation of the rules which determine the age from which qualifying service begins

637. The Government of India may, on special grounds, recommend for sanction of the Secretary of State the grant of an invalid pension on the scale below to an officer belonging to the classes referred to as appointed in India in Article 627, provided that he be not of purely Asiatic descent. This Article does not apply to officers of the Provincial Service.

Not less than Rs 1,000 or more than Rs. 2 000 a year.

<i>If the qualifying service of the officer be not less than—</i>	<i>Forty-fifth part of the officer's average Emoluments</i>
10 years	10
11 "	11
12 "	12
13 "	13
14 "	14

638. Unless there is something repugnant in the subject or context, the rules of Part IV apply to officers defined in Article 635, but they are modified in the points noted in the following Article.

639. The rule which excludes service under the age of twenty years does not apply to the officers defined in Article 635 or to Indian College Engineers.

640. Privilege leave and Subsidiary leave taken under the rules in force prior to 29th July, 1920, count as service. Other leave counts to the extent stated in Article 408.

# AUDITOR GENERAL'S ORDER.

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[Ar. Genl.'s letter No 365-A/98-43, dated the 16th July, 1941 to the Accountant General, Madras, Paragraph 379 of the India Supplement.]

641. The following special scale of pensions is admissible to the officers defined in Article 635 who entered service before the 6th day of December 1932, and did not elect the pension rules mentioned in Article 349 A :—

(a) After a service of less than ten years, an invalid gratuity on the scale laid down in Article 474(a).

(b) After a service of not less than 10 years but less than 25 years, an invalid pension on the scale laid down in Article 474(b).

(c) After a service of not less than twenty years, a retiring pension not exceeding the following amounts :—

20 to 24	} 30 sixtieths of Average	[ 4000 a year or 333-1/3 a month.
25 and above		
	Emoluments	5000 a year or 416-2/3 a month.

NOTE.—[The corresponding rule applicable to officers mentioned in Article 349A is contained in Article 474 A ]

### *Special Additional Pensions*

642. One or other but not both of the following special additional pensions, over and above those allowed in Article 641, may be granted by the Local Government to officers of classes specified in Article 635, limited in the case of the Engineering Establishment to those appointed not later than 1898 and of the Telegraph Department to those appointed not later than 1897, as rewards of approved service in the responsible positions mentioned below :—

(a) Additional pensions of Rs. 2,000 per annum to those who have served three years as—

(i) Secretary to the Government of India, Public Works Department.

(ii) Chief Engineers, or officers who may have been graded as such.

(iii) Chief Engineer, Telegraphs, or in any capacity in the Telegraph Department on the Rs. 2,250 grade.

(iv) Agents, North Western, Oudh and Rohilkhand and Eastern Bengal State Railways.

NOTE.—[If an officer to whom this clause applies is compelled to retire under the 55 years' rule, or on medical certificate, before he has served the full period of three years, he may, with the special sanction of the Local Government receive a special pension, which bears the same ratio to the full pension of Rs. 2,000, as the number of complete months' service in the grades referred to in this clause bears to the full period of three years.]

(b) Additional pensions of Rs. 1,000 per annum to those who have served three years as—

(i) Superintending Engineers.

(ii) Officers of the Indian Telegraph Department in the grades of Rs. 2,000 and Rs. 1,750 or as either of the two senior officers in the grade of Rs. 1,500.

**(iii) Directors of the Persian and Persian Gulf Telegraphs in the Indo-European Telegraph Department.**

**NOTE 1**—[For the purpose of awarding these special additional pensions, Civil Engineers of the classes enumerated in Art 635, in Class I of the State Railway Revenue Establishments, the Deputy Secretary to the Government of India, Public Works Department, and Engineers holding the appointment of Under Secretary, Civil Works Branch, in that Department prior to 6th February, 1914 are treated as of equivalent rank to a Superintending Engineer]

**NOTE 2**—[Mr T Ryan of the Indian Finance Department will be eligible to count service for the additional pension of Rs 1,000 mentioned in this Article, from the date on which he would have reached Class III of Examiners in the late Superior Accounts Branch of the Public Works Department, if he had continued on the old scale of pay]

**NOTE 3**—[The provisions of this Article apply to officers of the Indo-European Telegraph Department appointed up to 28th July, 1896 Those appointed thereafter come wholly under Art 643]

**NOTE 4**—[As regard the officers of the Indian Telegraph Department mentioned above, no officer who has been passed over for promotion from the Rs 1,750 grade and no officer in that grade at the end of his service who is not declared fitted for promotion will be considered entitled to the special additional pension]

**NOTE 5**—[Clauses (a) (iii) and (b) (ii) of this Article apply to services rendered in the specified appointments from 1st April 1914 As regards services rendered before that date the appointment qualifying for additional pensions are —

(a) For Rs 2 000 under clause (a) (iii)—

Director General and next senior officer in the Telegraph Department

(b) For Rs 1,000 under (b) (ii)—

Directors of Telegraphs, 1st, 2nd and 3rd classes, senior Director of Telegraphs, 4th class, and the Electrical Engineer in-Chief]

**NOTE 6**—[It is important to bear in mind that these additional pensions cannot be claimed as a matter of right, but will be granted at the discretion of the Local Government as rewards of "approved service". See special addition to certificate in Form No 26 (Pension)]

**NOTE 7**—[The corresponding rule applicable to officers mentioned in Art 349A is contained in Article 475A.]

**643.** For officers to whom special additional pensions under Article 642 are not admissible, the following special additional pensions may be allowed by the Local Governments :—

*Additional Pensions of Rs. 1,000 per annum to those who have rendered not less than three years of effective service in the following appointments, provided that in each case during such service the officer has shown such special energy and efficiency as may be considered deserving of the concession. In the case of officers entering Government service after 31st December 1909, the grant of the additional pension is subject to the further condition that they must, in the event of voluntary retirement have completed twenty-eight years of qualifying service. Voluntary retirement for the purpose of this rule should be taken as retirement under Arts. 465 and 641 (c)*

Secretary to the Government of India, Public Works Department.

**Chief Engineers in Public Works and Railway Departments.**

Posts in the Superior Telegraph Branch of the Indian Posts and Telegraphs Department included in the Schedule of appointments carrying additional pensions below Article 475A (including the posts of Director General, Posts and Telegraphs; Senior Deputy Director-General, Posts and Telegraphs; Postmaster General and Deputy Director General, Telegraphs, if held by officers of the superior Telegraph Engineering Branch), provided that only service rendered in those posts after the 24th year of service shall count for additional pension

Superintending Engineers of the Public Works and Railway Departments on pay of not less than Rs 2,050 a month.

Deputy Secretary of the Government of India, Public Works Department

Director in Chief of the Indo-European Telegraph Department when the office is held by a member of either the Indian or the Indo-European Telegraph Department

Deputy Managers, Traffic Superintendents, Locomotive Superintendents and Carriage and Wagon Superintendents in Class I of the State Railway Revenue Establishment on pay exceeding Rs 1,500 a month.

NOTE 1 —[The provisions of this Article apply to officers employed in the Telegraph Department on 31st March 1914. Those appointed thereafter to the Posts and Telegraphs Department come wholly under Article 475]

NOTE 2 —[The corresponding rule applicable to officers mentioned in Article 349A is contained in Article 475A]

## AUDIT INSTRUCTION

Refer to Audit Instruction No (1) below Article 475A on page 182

644 (a) An officer who holds a qualifying appointment substantially counts all active service, whether in the appointment or in an appointment of corresponding rank and responsibility in foreign service, or on deputation on special duty or in a temporary appointment or while officiating in another permanent post. He also counts period of Privilege leave taken by him during such service but periods of leave other than Privilege leave do not count

(b) All officiating and temporary service in a qualifying appointment falling within any of the classes mentioned in clause (a), including periods of such service passed on Privilege leave, counts

## GOVERNMENT OF INDIA'S ORDER

*Period of Military duty of Officers holding special appointments*

(1) In the case of officers holding one of the special appointments referred to in Arts 475 and 642, C S R but temporarily placed on

Military duty, the period of Military duty should be allowed to qualify for the extra pension in cases in which the Government of India are satisfied that if the officer had not temporarily left the civil department, he would have rendered in a qualifying appointment service of such a character as to render him eligible under the regulations for the special additional pension

[G I F D No 3214 dated the 13th January, 1919, Paragraph 380 of the India Supplement ]

(2) If while holding a post declared to be a special post for the purpose of the second proviso to F R 30(1) an officer is granted officiating promotion in the cadre of his service and draws pay which in the ordinary line would entitle him to count service for special additional pension under Article 644 (b) C S R, such of the periods of officiating promotion as fall on or after the 18th March, 1930 [the date on which the words "be given any officiating promotion and may therefore" were inserted in the second proviso to F R 30(1)] should be admitted to special additional pension without any further sanction

[G I F D, No F 23(5)—Ex 1/34, dated the 16th January, 1934, Paragraph 381 of the India Supplement ]

## AUDITOR GENERAL'S ORDER.

### *Interpretation*

(1) In a case referred to by the Accountant General, Bombay the Auditor General has observed that the question with regard to the interpretation of the phrase, "periods of such service passed on privilege leave" occurring in Article 644(b) C S R was left uncovered when the rules in the C S R were replaced by the Fundamental Rules without a corresponding change in the Pension Rules. Under the C S R there would have been no difficulty in interpreting the phrase in Article 644(b) quoted above. An officer could then retain a lien on a post in which he was officiating and the question whether a particular period of leave was taken while "in such service" would be decided finally by the fact that he did, or did not, retain during such leave a lien on his post

Under the Fundamental Rules, a lien on a post in which a man officiates is not possible, Article 644(b) in such a case is not therefore, susceptible of a definite interpretation. The Auditor General has therefore, decided with the concurrence of the Government of India that during the interim period until the new pension rules are promulgated the phrase occurring in Article 644(b) C S R quoted above should be held to mean that for a period of privilege leave for the first four months of leave on average pay, to count for additional pension it should be in evidence that had the officer not been on leave he would have been officiating or holding the temporary post

[Ar Genl's letter No 35—A/321 28, dated the 6th February, 1929, Paragraph 382 of the India Supplement ]

(2) The formula mentioned in the above order is nothing more than to bridge the gulf created by the promulgation of the Fundamental Leave Rules without a corresponding change in the pension rules of the C S R. The intention is merely to conserve the concessions that were already admissible under the C S R and not to grant any new concessions which would not be admissible even if the rules in the C S R continued in force thence in the case cited

[Paragraph 359 of the Punjab Manual ]

(3) For the purpose of counting of service for special additional pension the joining time availed of by an officer on transfer from one qualifying post to another such post, which he held successively in an officiating capacity, should be allowed to count as service in a qualifying post only if the competent authority certifies that had the officer not been on joining time he would have held either the new or the old qualifying post

[Ar Genl s letter No 120 A/107 34, dated the 1st August, 1934, Paragraph 383 of the India Supplement ]

645. *Cancelled*

### SECTION III—COMPULSORY RETIREMENT

646. *Cancelled*

647. *Cancelled*

648. *Cancelled*

649 The compulsory retirement of Civil Engineers of the Public Works Department or the Engineering Department of State Railways, who are proved to be unfit for further advancement, is regulated by Article 353A. But any Civil Engineer of these Departments, who on reaching the age of 50 years has not attained the rank of Superintending Engineer, is liable to be called on to retire by the Government of India

650 All Civil Engineers in the Public Works and Railway Departments, Civilian Under Secretaries in the Public Works Secretariat of the Government of India or of a Local Government or Administration, and Civilians in the Superior Railway Revenue Establishment, and in the Superior Establishment of the Telegraph Department, are required to retire on attaining the age of 55 years.

NOTE 1—[The above rule is applicable to all Civilians of the several establishments named whatever the source of their appointment may be ]

NOTE 2—[The Government of India are empowered in special cases to extend the services of Chief Engineers of the Public Works Department for a period not exceeding three months ]



## PART VI—WOUND AND EXTRAORDINARY PENSIONS

## Chapter XXXVIII.—Wound and other Extraordinary Pensions

## SECTION I—GENERAL RULES

728. (a) *Subject to the provisions of Article 729, the rules in this Chapter apply to all persons in civil employ (and to all persons employed in a civil capacity under the Army Department) whether their employment is permanent, temporary or casual and whether remunerated by fixed pay or by piecework rates: Provided that, in the case of a person to whom the Workmen's Compensation Act, 1923, applies:—*

(1) an award shall be paid under the provisions of this Chapter only if the authority competent to sanction it considers that the compensation payable under the Act is, in the particular case, inadequate; and

(2) the amount of an award paid to any such person shall not exceed the difference between the amount otherwise admissible under these rules and the amount of compensation payable under the Act.

(b) Pay for the purposes of this Chapter means pay as defined in Rule 9 (21) of the Fundamental Rules, which a person was drawing on the date of his death or injury: Provided that in the case of a person remunerated by piece-work rates, pay means the average earnings of the last six months ending with the date of his death or injury.

## GOVERNMENT OF INDIA'S ORDERS

(1) The rules in Section III of this Chapter apply exclusively to officers injured or to the families of officers killed in the execution of public duty or service other than military. In all cases of civil officers on military service the rates of pensions admissible will be regulated by Section I, if these rates are more favourable than those admissible under the Military Regulations

[G I F D, No 548 C S R, dated the 12th June, 1917]

(2) An extraordinary pension or gratuity may be granted to a Government servant under this Chapter even if he is not invalided from service as a result of the disability on account of which the award is made

[G I F D, No F 11/R/II/1926, dated the 26th September, 1928, Paragraph 384 of the India Supplement]

(3) Wound pensions granted under this Article are renewable from year to year according to subsequent report of a Medical Board.

[G I F D, No 1840 dated the 16th April, 1890, Paragraph 385 of the India Supplement]

(4) In the event of an officer on service with a military force or his family, becoming eligible for an award under the revised rules, and,

the rules in force when he entered on that service being more favourable than those in force at the time of the award, he or they will be allowed the benefit of the former rules.

[Note 2 under Paragraph 406 of the Punjab Manual]

(5) The Government of India have decided that the proceedings of the Medical Board in regard to cases of wound and other extraordinary pensions under Chapter XXXVIII of the Civil Service Regulations should be drawn up in Army Form A 45.

[G.I.F.D., No D-3235 R II/29, dated the 27th May 1929, Paragraph 409 of the India Supplement]

729. The rules in this Chapter do not apply to—

(a) *Persons paid from the Defence Services Estimates (except Class II followers and religious teachers of Indian Units) who in the matter of service pensions or gratuities are governed by the rules in Pension Regulations for the Army in India.*

(b) *Non-combatant departmental and regimental civilian employees holding regular appointments and remunerated by pay or salary from the Defence Services Estimates (including those employed in the Military Accounts Department), in receipt of pay less than Rs. 200 per mensem, if they were recruited before 18th October, 1932.*

*The claims of these men and their dependents to wound and other extraordinary pensions and gratuities should be dealt with under Pension Regulations for the Army in India.*

730. Government do not bind themselves to grant a pension or gratuity in every case, or, if they grant a pension, to grant it for life.

731. Every grant of pension under this Chapter is subject to the provisions of Article 351.

732. In cases where considerable delay has occurred in applying for an extraordinary pension, the grant, if any, will take effect only from the date of the report by the Medical Board or, in the case of a family pension, from such date as the sanctioning authority may decide. Otherwise the grant may be made with effect from the date of wound or injury, or in the case of death, from the day following the death of the Government servant except that, when it is made under Army Regulations, it has effect from the date therein prescribed.

## GOVERNMENT OF INDIA'S ORDER.

A family pension granted to a posthumous child should commence from the date of his/her birth and not from the date of the death of his/her father

[A.G. Punjab's order dated the 27th March, 1933, Paragraph 408 of the Punjab Manual]

733. In cases falling clearly and strictly within the letter of the rules in this Chapter, the Local Government may exercise, in relation to Government servants under its administrative control, all powers conferred by the rules upon the Government of India other than the

powers conferred by Articles 739, 741A, 741B, 743, 746D, 746E, and by the Notes under Article 746B

## GOVERNMENT OF INDIA'S ORDER

The Local Governments can exercise, under revised Art 733, the powers of the Government of India to sanction family pension under the revised Art 747. It is no longer necessary for the Local Government to act under Art 924(b) in case of a family pension

[G.I.H.D., No F 11/XVIII/23-Police dated the 15th March 1924]

734 All awards involving expenditure chargeable to British Revenues should be reported without delay to the Secretary of State.

735 When a grant under these rules is made in India to an European Officer, the authority sanctioning the grant shall inform the Secretary of State in order that a grant of a like nature may not be made by any authority in the United Kingdom in respect of the same casualty.

736 When it is necessary to convert sterling pensions or gratuities awarded under the rules in this Chapter into rupees, or rupee pensions or gratuities into sterling, the conversion shall be effected at the rate of exchange fixed for the conversion of ordinary civil pensions.

737. Subject to the provisions of 'Civil Pensions (Commutation) Rules' (*Appendix XI of Volume II*), the recipient of a pension awarded under the rules in this Chapter may be allowed to commute a portion of it.

738 (a) If an officer is incapacitated for further civil service in consequence of a wound, injury or disability, in respect of which an extraordinary gratuity or pension is awarded to him under the provisions of this Chapter, he will be eligible to receive, in addition to such extraordinary gratuity or pension, any ordinary civil pension or gratuity for which he may be eligible under the Civil Service Regulations

(b) In the event of his total qualifying service for civil pension rendering him eligible for invalid gratuity only, as distinguished from pension, he may notwithstanding, be granted at his option a pension calculated as follows in lieu of the gratuity —

(i) If he is a member of the Indian Civil Service, at the rate of £ 30 a year for each completed year of active service, including any period passed with a military force in the circumstances described in Art 739

(ii) In other cases, at the rate of one-sixtieth of his average emoluments for each completed year of service for pension, including any period passed with a military force in the circumstances described in Article 739

NOTE —[For the purpose of calculating ordinary civil pension or gratuity in the case of an officer who has been serving in a military capacity with a military force (see Article 744) his emoluments during the period of such service shall be taken to be those which he would have drawn if he had remained in civil employ the calculation being made according to the next below rule where applicable]

## GOVERNMENT OF INDIA'S ORDERS

*Treatment of an award*

(1) An award made under Art 744, whichever of the alternative there prescribed the officer in question may have elected, should be regarded for the purposes of this Article as an award under the provisions of this Chapter

[GIFD No F 206—CSR/25 dated the 9th December 1925, Paragraph 390 of the India Supplement]

*Interpretation of Arts 738 and 744 C S R*

(2) In a case regarding the grant of a pension under Arts 744 and 738 C S R the Auditor General observed that the Government of India Finance Department, Resolution No 429 Civil Service Regulations dated the 15th May 1922 made it clear that this revised Chapter XXXVIII of the C S R was applicable with retrospective effect to any case which had arisen since the beginning of the War in which it would be to the benefit of the officer concerned. The revised Chapter was therefore applicable to the case of an officer who was incapacitated for further civil service with effect from the 2nd March 1921

Omitting the period spent on military service the officer's total qualifying service was sufficient to render him eligible for invalid gratuity only. He therefore became entitled to the concession given by Art 738 (b) (i) which allowed him to take a pension in place of a gratuity and to count in his service for such pension the period spent on duty with the military forces. Under provisions of Art 738 (a) he could receive this pension in addition to his extraordinary military pension and in view of the interpretation by the Secretary of State given in his letter No F 3571/25, dated the 12th October 1925 this right was not adversely affected by the fact that the officer was in receipt of two distinct military pensions.

The case referred to above had throughout been governed by Art 738 (b) C S R and the Resolution of the Government of India in the Home Department No F 371/23 Ests dated the 7th December 1925 had no bearing upon it. That resolution merely extended as from a later date to officers whose ordinary civil service sufficed to earn a pension the concession given by Art 738 (b) to officers whose civil service had earned a gratuity only.

The Secretary of State has now pointed out that a pension granted under Art 744 ordinarily includes no service element and it is reasonable in such a case that military service should count for civil pension. But the invalid pension admissible to a regular officer and granted to officers of the Indian Army Reserve of Officers in accordance with the terms of India Army order No 539 of 1914, includes a service element and it does not appear to him reasonable nor was it ever his intention that in such a case Military service should count for civil pension save to the extent and in the special circumstances laid down in the Government of India Finance Department Resolution No F 21/11 CSR 24, dated the 28th

August 1925 and in the Home Department No. F. 371-23-Ests. dated the 17th December, 1925.

Art. 738 C.S.R., however, in addition to the concession that the military service should count for pension, embodies also the concession that if the officer's total service renders him eligible for a gratuity only instead of a pension, he should nevertheless be granted a pension. The Secretary of State in Council sees no reason why eligibility for a pension instead of a gratuity, where the latter only would ordinarily be admissible, should be affected by the nature of the military pension, and he has accordingly decided that this concession should apply also to cases in which the Regular Officers' military pension has been awarded under India Army Order No. 539 of 1914.

*The Officer will, therefore, be eligible from the 2nd March, 1921 to the 2nd February, 1925, for a civil pension based on his qualifying civil service only, from the 3rd February, 1925 to the 4th July, 1925 to civil pension based on his qualifying civil service plus active military service and from the 5th July, 1925 to a civil pension based on his total service including military sick leave.*

[G.I.F.D., No F-383 C.S.R./27, dated the 10th October, 1927, Paragraph 391 of the India Supplement.]

(3) See G.I. order No. (2) below Art. 728 on page 375.

## SECTION II—WOUNDS, INJURIES, OR OTHER DISABILITIES SUSTAINED BY A CIVIL OFFICER WHILE SERVING WITH A MILITARY FORCE

739. The rules in this Section apply to officers serving in circumstances justifying their presence with a military force if the connection of the officer with the force can reasonably be held to be due wholly or in part to the fact that he was at the time a civil officer of the Government of India or a Local Government. This may be assumed without question in the case of any officer called out for actual service as a member of the Indian Army Reserve of Officers or of the Auxiliary Force, India, or the Indian Territorial Force, or attached to an Indian unit or to a force under the orders of the Government of India or operating in a country contiguous to India. If in any other case doubt arises as to the applicability or otherwise of the rules in this Section, the decision will rest with the Government of India subject if they think it desirable, to reference to the Secretary of State for India in Council.

### A—CIVIL OFFICERS SERVING IN A CIVIL CAPACITY WITH A MILITARY FORCE

#### Wound, Injury, or Family Pensions or Gratuities

*Civil, Officers on pay of Rs. 350 a month or over.*

740. A civil officer in receipt of pay of Rs. 350 a month or over or more, who may be serving in a civil capacity with a military force,  
(Contd. on page 381)

(a) Viceroy, Heads of Provinces, and Members of Executive Councils <i>Class of Officer</i>		<i>Relative Military Rank.</i>
Viceroy of India		Field Marshal.
Governor		General
Members of an Executive Council, Chief Commissioner or Chief Justice of a High Court		Lieutenant General
Judge of a High Court other than a Chief Justice.		Major General.
(b) Members of the Indian Civil Service. (Except as above).		Major General.
Of more than 31 years' standing		Colonel.
Of more than 23 but not more than 31 years' standing		Lieutenant Colonel.
Of more than 18, but not more than 23 years' standing		Major.
Of more than 12, but not more than 18 years' standing		Captain
Of more than 5, but not more than 12 years' standing		Lieutenant.
Of not more than 5 years' standing		
(c) Other Civil Officers on pay of not less than Rs. 350 a month.		<i>Relative Military Rank.</i>
	<i>Monthly Pay</i>	Major-General.
Rs 2,500 and over		Colonel
" 2 000 but less than Rs. 2,500		Lieutenant-Colonel.
" 1,500 " " " 2,000		Major.
" 900 " " " 1,500		<i>Cap ain.</i>
" 700 " " " 900		Lieutenant.
" 450 " " " 700		
" 350 " " " 450		Second Lieutenant.

may be granted by the Government of India a wound or injury pension or gratuity, and the family of such an officer is eligible for family pension or gratuities, at the rates and under the conditions stated in Army Regulations, India, Volume I, the rank of civil officer for this purpose being the military rank assigned, or assignable, to him under rule in the field or his relative military rank in the table below, whichever is more favourable to the recipient :—

See page 380 for the table.

## GOVERNMENT OF INDIA'S ORDERS.

### *Date of birth of an heir to a family pension*

(1) The Government of India have decided that in case where neither the date, the month nor the year of birth of an heir to family pension can be ascertained, the year of birth of the claimant should be calculated from the age given by the investigation officer and the date and month taken as the 1st July of that year. In cases in which the year and month in which the claimant was born are known, but not the actual date, the latter should be taken as the 16th of the month.

[G I Army Department letter No 34226 I (A.G-10), dated the 26th April, 1916, received with Foreign Department endt., No 406—C.S R. dated the 4th May, 1916 Paragraph 417 of the Punjab Manual]

### *Grant of family pension to the parents of the deceased officer*

(2) The procedure followed by the War Office in regard to the grant of pension to parents of deceased officers under Article 685 of the Royal Warrant, 1926, in cases governed by Articles 740, 746B and 746BB may be followed in future and pensioners may invariably be informed that awards are subject to review, should their pecuniary circumstances change and that immediate report of all such changes should be made.

[G I F D, No F 288—C S R /27, dated the 25th July, 1927, Paragraph 412 of the Punjab Manual]

(3) In the making of any awards to dependents of a deceased officer, who has left no widow or children in accordance with the provisions contained in the Royal Warrants, 1940, in cases governed by Arts 740, 746B, 746BB and 746D of the C S R, the War Office "working rules" should be strictly followed.

[G I F D endt. No F 17/XIII—R II/29 dated the 9th August, 1929.]

(4) The Audit Officer should see that in sanctioning pensions to parents of deceased officers under the Articles referred to in Government of India's order No (2) above the sanctioning authority attaches the following conditions :—

(a) that the award is subject to review, should the pecuniary circumstances of the pensioner change, and

(b) that any such change of circumstances is to be promptly reported by the pensioner to the sanctioning authority

[G I F D No F 288—C.S.R./27, dated the 29th October, 1927, Paragraph 386 of the India Supplement]

(5) *The reference to the Army Regulations, India Volume I, in this Article has and is intended to have continued in force and that the grant of wound pension under this Article should be regulated by the rules in these Regulations viz, the old rules in Part II of Pay and Allowances Regulations of the Army in India (1923 Edition) and not by the new rules laid down in the Pension Regulations*

[G I F D No F 5—XXVI—R II/30, dated the 7th January 1931, Paragraph 387 of the India Supplement]

(6) The intention of paras 466 and 468 of the Pay and Allowances Regulation of the Army in India Part II (1923 Edition) is to render a person whose injury persists, eligible for a permanent wound pension (as recommended by a Medical Board) after he has continued to draw a temporary pension for five years. The actual date of effect being one for Government to decide or determine.

[G I F D U O No. 1751 R II/41 dated the 24th October, 1941, Paragraph 387 of the India Supplement]

740A A civil officer in receipt of pay of less than Rs. 350, but not less than Rs. 200 a month, who may be serving in a civil capacity with a military force may be granted by the Government of India a wound or injury pension or gratuity, and the family of such an officer is eligible for family awards, under the conditions stated in Army Regulations, India, Volume I (1915 Edition), in so far as they are applicable to Conductors and Sub Conductors and at the rates specified below —

	When pay is less than Rs 250	When pay is not less than Rs 250
(i) Wound Pension	Rs 800 (or £60) per annum	Rs 940 (or £70) per annum
(ii) Injury Pension	Rs 480 (or £36) per annum	Rs 600 (or £45) per annum
(iii) Gratuity for a wound or injury received in action	Rs 800 (or £60)	Three months pay subject to a minimum of Rs. 800 (or £60)
(iv) Family awards—		
(a) Widow's pension	Not more than Rs 1,200 (or £90) and not less than Rs 600 (or £45) per annum	
(b) Children's Allowance	<i>If motherless not more than Rs 330 (or £22½) and not less than Rs 167 (or £12½) per annum for each child</i> <i>If not motherless not more than Rs 156 (or £12) and not less than Rs 83 (or £6 1/4) per annum for each child</i>	



NOTE 1 —[The above rates of family awards shall be granted under the conditions laid down in Army Regulations, India, Volume I (1915 edition) for the grant of intermediate rates of those pensions and allowances only ]

NOTE 2 —[Pensions, gratuities and children's allowances under this Article shall be paid in sterling if the person to whom payment is made is residing on the date of payment in a country where the rupee is not legal tender, and in rupees in all other cases ]

**\*741.** The family pension of a widow will cease on re-marriage but when such re-marriage is annulled by divorce, desertion or death of the second husband, her pension may be restored upon proof that she is in necessitous circumstances and otherwise deserving. The pension to children will be continued to boys up to the age of 18 years and to girls up to 21 or marriage, whichever may happen first.

[G I M F. No F-2 (1) EV (B)/61, dated the 17th February 1961 ]

**741A.** A civil officer in receipt of pay of Rs. 200 a month or more, serving in civil capacity with a military force, who is eventually invalided from his civil employment owing to disease attributable to, or aggravated by such service, may be granted by the Government of India, with effect from the date of invaliding, a pension equal in amount to the disability addition to his service pension which would have been awarded to him had he been a regular officer or a Warrant Officer of the Army, pronounced permanently unfit for military service owing to disability attributable to, or aggravated by such service. The rank for this purpose in the case of officers on pay of not less than Rs. 350 a month shall be determined according to the table of the relative military rank in Article 740.

If the officer is in receipt of pay of less than Rs. 350 a month, the pension admissible under this Article shall be equal to the disablement addition which would have been awarded to a Warrant Officer who has qualified by length of service for a retiring pension.

#### GOVERNMENT OF INDIA'S ORDER.

A civil officer of Government on pay of Rs 200 and over, serving with a military force in [a civil capacity, who is eventually invalided from his civil employment owing to disease attributable to such service, may also be granted, in addition to any service pension or gratuity admissible under the CSR (an invalid pension being regarded for this purpose as a service pension) such allowance as would have been awarded to him by way of disability in addition to his service pension had he been a regular officer of the Army, pronounced permanently unfit for military service, owing to disability attributable to military service, the grant to take effect from the date of invaliding. This order is applicable both to the period of Great War as well as to post-war cases.

[G I F.D No 326 CSR dated the 29th February, 1924, Paragraph 389 of the India Supplement ]

**741B.** In awarding gratuities or pensions to families the Government of India shall have discretion to make such modifications in the

mode of allotment or conditions of tenure prescribed in Army Regulations, India, Volume I, (1915 edition), as they may consider desirable with a view to adapting these to the legal or customary conditions applicable in the case of the families to be benefited.

*Civil Officers on pay of less than Rs. 200 a month.*

742. A civil officer in receipt of pay of less than Rs. 200 a month, who may be serving in a civil capacity with a military force, may be granted by the Government of India a wound or injury pension or gratuity, and the family of such an officer, if he is killed on such service or dies of an illness or injury due to such service, may be granted a family pension, under the following rules :—

(i) *Wound or Injury Pension.*

*Higher*—At the rate of one-third of pay, subject, if the officer is wholly incapacitated from earning a living, to a minimum of Rs 10 a month.

*Lower*—At a rate not exceeding one-fifth of pay.

(a) The higher rate of pension will only be granted if the officer has sustained, as a result of his service with the military force, a wound or injury occasioning the loss of an eye or limb or of the use of a limb, or equivalent in its effects to the loss of a limb

(b) The percentage of pay to be awarded in the case of an officer eligible for pension on the lower scale will be decided by the Government of India, at their discretion, according to the severity of the injury

(c) No pension will be granted unless the wound or injury is reported by a medical board to be severe.

(d) An officer may be recommended for a pension for each eye or limb of which he has lost the use through his service with military force

(e) A pension may be granted permanently, or temporarily for a period not exceeding one year in the first instance. In the latter case, the question whether the pension shall be continued and, if so, at what rate and for what further period will be left for subsequent determination

(ii) *Family Pensions*

At the rate of one half of the officer's pay

(a) For the purpose of awarding a family pension under this Article, the term "family" includes only wife, legitimate child, father or mother, dependent upon the deceased for support

(b) *The pension is allotted—*

(1) to the eldest surviving son, for the support of the family ;

(2) failing a son, to the eldest widow, for the same purpose ;

(3) failing both sons and widows to the eldest surviving unmarried daughter, for the same purpose ,

(4) these failing, to the father, for the same purpose ;

(5) failing (1) to (4), to the mother, for the same purpose ;

(c) The pension to a male is tenable as follows :—

(1) If the pensioner is under six years of age till he is eighteen years old ;

(2) if not under six, but under fifty years, for twelve years ;

(3) if not under fifty years, for life

(d) The pension to a female is for life or until marriage, but on her suitable marriage, the Government of India may, at their discretion, grant her for

marriage expenses an amount not exceeding five years' pension provided that the pension is not re-granted to any other member of the family under sub clause (f)

NOTE —[A pension granted to a female infant who is a native of Asia shall in the absence of special orders to the contrary last until she leaves her own family to cohabit with her husband or being married, attains the age of sixteen years whichever event happens first.]

(e) In awarding a family pension under this Article the Government of India have discretion to make such modification in the mode of allotment or conditions of tenure set forth in clause (b) to (d) as they may consider desirable with a view to adapting these to the legal or customary conditions applicable in the case of the family to be benefited or to providing against the improper application of the pension or its premature cessation. They have also power to award the pension to a dependent who does not strictly fall within the definition of family.

(f) On the cessation of the pension through death, marriage or other cause, the Government of India have discretionary power to re-grant it in whole or in part to members of the family lower down in the scale prescribed in clause (b), who may have been dependent on it for support and for such period as they may consider desirable not exceeding that admissible under clause (c) or (d) for an original grant.

## GOVERNMENT OF INDIA'S ORDER

The widow of a policeman who was governed by the Extraordinary Pension Rules in the C.S.R. gave birth to an illegitimate child. A question arose whether her family pension should be stopped. The pension was payable only on her death or remarriage whichever occurred earlier. As there was no legal remarriage, it was held by the Ministry of Law that the case should be disposed of on the assumption that there has been no remarriage and as such the pension was accordingly allowed to continue.

[G.I.M.F.U.O. No. 3006 EV/51 dated the 11th May 1951.]

## ORDER OF THE GOVERNMENT OF MADRAS

In cases in which a pension granted to a female child is tenable either until she attains a certain age or until her marriage, the term "marriage" should in the absence of special orders to the contrary, be taken to mean the date on which the girl is placed under her husband's protection.

[Govt. of Madras Order No. Misc. 613 Fin (Pen.) dated the 9th July, 1927.]

743 *Pension or Gratuity in case of serious detriment to health* — A civil officer of the Government of India or a Local Government in receipt of pay of less than Rs. 200 a month, who when serving in a civil capacity with a military force, sustains in consequence of that service serious detriment to his health not entitling him to a pension under Article 742, may be granted by the Government of India a special pension or gratuity fixed by them at their discretion with reference to —

(a) the scale of wound and injury pensions and gratuities which would be applicable, under Article 742, in his case,

(b) the severity and probable permanence of the disability, and

(c) the extent to which the disability may be merely an aggravation of one previously existing.

## B. Civil Officers Serving in a Military Capacity with a Military Force

744. If a civil officer of Government who is a member of the Auxiliary Force, India, or the Indian Territorial Force, is called out on actual military service, or if a civil officer is otherwise serving in a military capacity with a military force in circumstances justifying his presence, he may elect, if wounded, injured or otherwise disabled as a direct result of such service, to be treated either under the conditions laid down in Articles 740—743 for a civil officer who is serving in a civil capacity with a military force, or under the military regulations governing his employment on military service. In the later case, the award will be governed by his actual military rank. The election may be made at any time during the service or after it.

NOTE.—[If a civil officer serving in a military capacity with a military force elects to be treated under the conditions laid down in Articles 740—743, his pay, for the purpose of those Articles, shall be taken to be that which he would have drawn if he had remained in civil employ, the calculation being made according to the "next below rule" where applicable]

## GOVERNMENT OF INDIA'S ORDER.

See G. I. order No. 2 below Art. 738 on page 378.

745. The family of a civil officer who loses his life through service in a military capacity with a military force will be treated according to the rules, civil or military, which the officer may have elected for himself, or, if no such election has been made, the family will be given the benefit of the rules most favourable to them.

## SECTION III—WOUNDS, INJURIES OR OTHER DISABILITIES SUSTAINED OTHERWISE THAN ON SERVICE WITH A MILITARY FORCE.

746. (1) The rules in this Section provide the grant of a pension or a gratuity to an officer who is injured, and to the family of such an officer who is killed or dies of injuries received in the execution of public duty in circumstances other than those specified in Section II.

NOTE 1 —[Military personnel who receive wounds or injuries in the discharge of civil duties and the families of those officers who die of such wounds or injuries have no claim to injury gratuities and pensions under military rules and will be dealt with under the rules in this Section]

NOTE 2 —[No award shall be made under the rules in this Section in respect of a civilian officer who is deputed on foreign service under the United Nations bodies on or after the 1st January, 1953 and who is allowed to join the U. N. Joint Staff Pension Fund as an 'Associate Member']

[G I M F, No F-2(2)-EV(B) 61/1, dated the 2nd June, 1961.]

(2) No gratuity of pension shall be sanctioned under this Section except after necessary medical report and the report of the audit officer have been obtained : Provided that if the officer lost his life in circumstances which render it impossible to procure a medical report, reliable evidence of the actual occurrence of death may be accepted in lieu thereof.

## GOVERNMENT OF INDIA'S ORDER.

Falling from a tree while cutting fodder for Government elephants is an ordinary accident

[Paragraph 392 of the India Supplement]

746A. (a) When a claim for an extraordinary pension or gratuity under this Section arises, the head of the department or of the office in which the deceased or injured officer was employed will hold a formal inquiry, taking evidence as to—

(i) the circumstances in which the injury was received or the life cost;

(ii) in the case of a death, the relationship and the pecuniary circumstances of the claimants.

(b) He will then submit the case, with a statement of the circumstances, through the usual channel to the Local Government or the Government of India, as the case may be. The application should be in Form No. 25 in the case of an officer injured and in Form No. 22 in the case of a deceased officer.

## GOVERNMENT OF INDIA'S ORDERS.

(1) Awards are subject to review should pecuniary circumstances change and that immediate report of all such changes should be made.

[G I F D., No F 288 C S R /27, dated the 25th July, 1927]

*Consultation with the U.P S C.*

(2) The provision of clause (3) (c) of Art 320 of the Constitution of India prescribes that the Union Public Service Commission or as the case may be, the Provincial Public Service Commission should be consulted on claims for the award of injury pensions, and as to the amounts of such award. Consultation in such cases has not been excluded by Regulations, made by the President under Art 320(3) of the Constitution. It is, therefore, necessary to consult the Union Public Service Commission on every claim by or in respect of person who is or was under the rule-making control of the Secretary of State or the Governor General for the award of a pension or gratuity under the Superior Civil Services (Extraordinary Pension) Rules, or under the Central Civil Service (Extraordinary Pension) Rules (See Appendices IX and X in Volume II) under the rules in this Chapter or and irrespective of whether the amount of a pension or gratuity to be awarded is in the discretion of the awarding authority, or is obligatory in accordance with the scales laid down in the Rules.

[G.I H D No 16/5/43, Est., dated the 7th March, 1944, Paragraph 395 of the India Supplement]

(3) It has been held in consultation with the Ministry of Law that a person who is serving with a Military Force in a civil capacity and is not subject to the Army Act and the Army Regulations serves in a civil capacity within the meaning of clause (3)(c) of Art 320 of the Constitution and the fact that he is paid from Defence Estimates does not effect the nature of his service. The U P S C. should,

therefore, be consulted on any claims for the award of a pension to such a person in respect of injury sustained by him while serving in a civil capacity with a military force. An officer serving in a civil capacity temporarily loses his status as a civilian if he is subject to the Army Act, the *Union Public Service Commission* need not be consulted in respect of claim for the award of pension to him.

[GIMP No F 1(10) Admn 50 dated the 30th November 1950 Paragraph 396 of the India Supplement]

**746B** Except as provided below, grants under this Section may be made only when injury or death is met in the performance of any particular duty which has the effect of increasing the officer's liability to injury or death beyond the ordinary risk of the civil appointment held by him. No claims shall be admitted on account of loss of life or bodily injury from an accident to which an officer may be liable under the ordinary conditions of civil life or in connection with the ordinary discharge of his duty.

**NOTE** —[The object of this rule is to limit the grant of a pension or gratuity under this Section strictly to the cases for which it is intended. It is obviously inexpedient for the Government to dispense charity in individual cases or to do anything which might weaken the inducement to officers to secure proper provision for their families. All doubtful cases should be referred for the orders of the Government of India who have been authorised to decide in such cases whether the conditions of this rule have been fulfilled with due regard to the principles laid down in it.]

It has been decided by the Secretary of State that the performance of operations on venereal or septicæmic patients or the attendance by nurses or medical subordinates on such patients may be treated as duty involving extraordinary bodily risk. Any grant in accordance with this decision requires the sanction of the Government of India.]

## GOVERNMENT OF INDIA'S ORDERS

### *Explanation of extraordinary bodily risk*

(1) No general rule can be laid down as to what constitutes extraordinary bodily risk within the meaning of note below this Article. It is a question in each case to be determined with regard to the circumstances. The mere fact of a khalsi being killed by a tiger while in the execution of his duty would not be sufficient to bring the case within the terms of this Article but circumstances could easily be conceived of a survey khalsi in the performance of a duty attended with extraordinary bodily risk being killed by a tiger.

[GIFD No 3480 P dated the 12th August 1896 Paragraph 400 of the India Supplement]

(2) The Government of India do not think it would be expedient to alter the existing practice to express an opinion upon the question whether the injury or death was met while in the performance of a duty attended with extraordinary bodily risk within the meaning of note below this Article.

[GIFD No 4521 P dated the 20th July 1904 Paragraph 401 of the India Supplement]

*Different Cases.*

(3) *Hurt in the eye while in the execution of public duty is an ordinary accident*

[L W P N 359, dated the 20th July 1902, Paragraph 402 of the India Supplement]

(4) *Great discretion should be used by local authorities in the recommendations made for the grant of pensions to the families of officers dying of plague contracted in the discharge of duties connected with the plague. It is not desirable to give encouragement to an impression that duty connected with the plague involves greater risk or is deserving of more favourable treatment than attendance in the infectious wards of a hospital or in a camp affected with cholera, which is accepted as part of the officer's ordinary duty.*

Cases in which families of police officers who die of plague in the execution of plague duty should not therefore be recommended for pension (Refer to G.I Order No (5) below)

[G I F D, No 2946 F, dated the 30th June, 1899 Paragraph 397 of the India Supplement]

(5) *Policemen who die of plague contracted in the execution of their duties in plague-stricken localities may be considered as having been killed in the execution of duty attended with extraordinary bodily risk within the meaning of this Article, provided that care be taken strictly to limit the grant of pensions of cases where men are sent to duty entailing imminent risk from plague. The concession is applicable to families of policemen dying of plague duty in all provinces in which plague is or may become prevalent (Bengal)*

[G I F D, No 4516 P, dated the 13th September, 1900, Paragraph 398 of the India Supplement]

(6) *Article 746B does not apply to the cases of policemen dying of cholera contracted during employment on the duty of enforcing sanitary measures in infected villages, but, if in any special case, the Local Government should think fit to make recommendation for the grant of gratuity to the family of a policeman dying of cholera while on sanitary duty, full particulars of the case should be submitted to the Government of India (Central Provinces)*

[G I F D, No 324, dated the 11th July 1913, Paragraph 399 of the India Supplement]

(7) *Deaths or injuries caused by terrorists should be treated as if received in action for the purposes of this Chapter and in such cases the maximum amount of compensation admissible under the rules in the Royal Warrant and paragraphs 461 and 462 of the Pay and Allowances Regulations, Part II (1923 Edition) should invariably be awarded*

[G I F D, Endt No D/2375 R-II/33, dated the 3th September, 1933, Paragraph 405 of the India Supplement]

NOTE —[The above orders should be held to cover deaths or injuries caused by fanatics. Deaths or injuries caused by insane people will, however, in each case be decided on their merits]

[G I F D, Endt No FS XI—R II/33, dated 20/21st February, 1933, Paragraph 405 of the India Supplement]

(8) Injury or death met in the performance of duties e.g., dispersal of unlawful assemblies, suppression of riots, or the arrest of dangerous criminals by Police Officers render the officer concerned or his family eligible for the benefits of the concession provided by Section III of this Chapter

[G I F D No 117 C S R dated the 21st January, 1924, Paragraph 406 of the India Supplement]

(9) The sanctioning of a posthumous award to a Government servant does not preclude the possibility of claims by the dependents of the Government servant being considered for the grant of an extraordinary pension or gratuity under the rules in the C S R. However in fixing the amount of extraordinary pension or gratuity the sanctioning authority has to take into account the financial circumstances of the deceased and to this end an intimation of the award sanctioned for the Government servant should be given to that authority before it sanctions an extraordinary pension or gratuity

[Paragraph 427 of the Panjab Manual]

(10) Any normal risk on particular beats or roads cannot be considered as 'extraordinary' and the mere fact that an extraordinary danger suddenly intervened, does not bring cases within the provision of this Article. The question whether it would be correct to recognise claims under this Article of runners injured or killed while carrying mails containing cash or other Articles of value over lonely roads should be considered with reference to the amount or character of the normal risk in each case

Examples 1 —A policeman on sentry duty is suddenly shot at and killed by a sepoy who has run amok. B, C and D other policemen who are also on duty try to arrest the sepoy and B is killed. A's family is not entitled to a pension because sentry duty is not a duty involving the conscious acceptance of extraordinary bodily risk. B's family is entitled to pension because B voluntarily accepted an extraordinary risk, his acceptance dating back not from the moment he went on duty but from the moment he made up his mind to try and arrest the sepoy instead of running away.

[G I F D No 4485 P dated the 26th August 1910]

2. A foot considerable on Patrol duty noticed when train started that some passengers were running a grave risk by standing on the foot board of the train. He jumped on the foot board in order to warn the passengers. He collided with the water column in darkness fell down was run over and killed. The case fell under 746 B.

3. A police constable on Patrol duty tried to catch burglars. The burglars attacked the constable and he was killed. In this case the burglars were known to be armed the case fell under 746 B otherwise not.

[Paragraph 429 of the Punjab Manual]

4. Syphilitic infection contracted in the performance of duty may if it is reported by a Medical Board to be likely to be permanent be *ipso facto* regarded as 'of a very serious nature' for the purpose of the grant of injury pension under Paragraphs 756 and 858 Army Regulations India Volume I.

[S of S Despatch No 38 dated the 11th May 1917, F D No 616 C S R, dated the 30th June 1917 Paragraph 403 of the India Supplement]



*Audit officer's Function*

(11) The Audit Officer, when reporting on claims to extraordinary pension under this Article should state whether, in his opinion injury or death was met within the performance of a duty attended with extraordinary bodily risk within the meaning of this Article

[G I F D No 4521—P dated the 20th July 1904, Paragraph 424 of the Punjab Manual]

(12) It is the function of the Audit Officer to interpret Art 746 B as he would do any other financial rule, and the presence or absence of extraordinary bodily risk is a question on which he must satisfy himself before he accepts the action of the Local Government under that Article

[G I F D No 4485 P, dated the 26th August, 1910 Paragraph 425 of the Punjab Manual]

*Refused cases*

(13) The following are instances in which the grant of extraordinary pensions under this Article has been refused —

(a) To a constable on duty near a small building, when it collapsed burying him in the debris and incapacitating him from further service Invalid gratuity sanctioned

(b) To the family of a police constable who was shot dead by a comrade while giving instruction in musketry Pension granted under Art 747 C S R

(c) To the family of a compounder who died of a wound received while performing a post mortem examination Pension granted under 747 C S R

(d) To the family of a Hospital Assistant who died of cholera while on duty in a cholera camp

(e) To the family of a railway police constable killed while on beat duty in the train in a railway accident

(f) To the family of a police constable who went to a spot where illicit liquor was being distilled, and was struck to death by the culprits

(g) To the family of a constable who was murdered by a comrade, who was hanged

(h) To the family of a fireman who lost his life by carelessness

(i) To the family of a peon drowned in a cyclone while conveying official records

(j) To the widow of a labourer killed while on duty by the accidental explosion of coal gas

(k) To the widow of a Hospital Assistant who died of cholera while working in a famine camp

(l) To the family of a police constable who met his death in the execution of duty while executing a warrant of arrest on a woman Pension sanctioned by G I under 746-D

(m) To the family of a police constable posted to look after stolen property was killed by the accused and his relatives [Apply 746 D]

(n) To the family of an assistant in a Civil Surgeon's office who lost his life as a result of accident while distributing spirits A gratuity from the Compassionate Fund sanctioned

(o) The performance of operations on venereal disease patients may fairly be regarded as a duty involving bodily risk under Articles 739 and 740 C S R

[Paragraph 433 of the Punjab Manual]

### Illustrations

**Q 1** A nurse in attendance on a septicaemic patient in a hospital caught the infection and died leaving behind a widowed dependent mother Her pay was Rs 150 p m What family pension, if any, is admissible? (S A S January 1952)

**Ans** The claim is admissible under Art 746B C S R and the widowed dependent mother is entitled to a pension of Rs  $50 = (\frac{1}{4} \times 150)$  and a gratuity of Rs  $600 = (4 \times 150)$  vide Rule 10 of the Central Civil Services Extraordinary Pension Rules

**Q 2** Distinguish between Extraordinary pension and Special additional pension (S A S July, 1953)

**Ans** (i) Extraordinary pension is a pension granted to an officer to compensate for an injury or death caused while performing official duties when the injury or death is met within the performance of any particular duty, which has the effect of increasing the officers liability to death or injury beyond the ordinary risk of the civil employment held by him

Special additional pension is an addition to pension granted to a Government servant for service rendered in parts mentioned in Art 475, and schedules of Arts 475 A 475 AA and 475 AAA

(ii) Extraordinary pension is calculated on the basis of the pay last drawn and does not depend on the number of years of service rendered by the Government servant

But Special additional pension is calculated on the basis of number of years of effective service rendered in the posts or services mentioned in Articles mentioned above Extraordinary pension is granted to all Government servants

**746BB** Where a police officer is injured or killed whilst in the actual performance of, or in consequence of his duty, a gratuity or pension may, if the injury or death was intentionally inflicted or caused, be granted to him or to his family as the case may be on the scale prescribed in Article 746C

**746C** If, in the circumstances described in Article 746B, it be decided to award a gratuity or pension to a civil officer or his family, and the injury or death in respect of which the grant is to be made has

been caused otherwise than on service with a military force, the amount and conditions of the award shall be those prescribed in Sub-Section A of Section II above, except that the award shall be made without reference to the military rank which might under rule have been assigned to the officer in the field if he had been serving with a military force, or to his actual military rank if he is a Military officer in civil employ.

746D. The Government of India have discretionary power to award extraordinary pensions or gratuities in special cases where the conditions of Article 746B are not strictly fulfilled, as for instance, when an officer is killed or injured in, or in consequence of the due performance of his official duties, or because of his official position. Any case in which it appears to the Government of India that the claim to extraordinary pension or gratuity is doubtful should be referred for the decision of the Secretary of State.

### GOVERNMENT OF INDIA'S ORDERS.

(1) One Nazir Ahmad, foot-constable, was employed in the parties of police deputed to form a cordon round the village to capture a prisoner who had escaped from judicial lock-up. Another constable, who was a member of one of the parties, crouching near a heap of earth close to the village was seen by a head-constable and foot constable Nazir Ahmad. Taking the constable as one of the dacoits, Nazir Ahmad approached him to find who he was and challenged him. The foot-constable crouching seeing a weapon in Nazir Ahmad's hands took him for a dacoit and without replying shot him. The Inspector General recommended extraordinary pension to the family under this Article.

The Accountant General decided to deal with the case under 746D as 746BB contemplated a case if death had been caused by the prisoner.

[Paragraph 434 of the Punjab Manual]

(2) A lineman went to repair the telephone lines on the 29th November, 1948, and worked there till noon of the following day. He then felt tired and returned to his headquarters covering a distance of six miles. Soon after he returned to his place he got an attack of acute pain in heart and lungs and died instantaneously. It was presumed that the continuous labour which he performed at odd hours of the day and night at a distant place proved too great a strain on his heart. The Government of India held that the case fell under Rule 746 D and granted *ex gratia* pension.

[G I M F., U O No 3602 E V/52, dated the 19th June 1952]

(3) A Mail Overseer who was outside his headquarters on duty from the 24th February, 1948, caught cold with fever. He continued on duty and the fever developed into typhopneumonia. He applied for leave on medical grounds and died on the 8th March, 1948. The Union Public Service Commission was of the opinion that he

developed typho pneumonia as he had to work outdoors in February which is a 'cold' month and that it was to the official's credit that, inspite of his ill health he continued to perform his duty. He could not apply for leave in time as he was away from headquarters. The Commission recommended the grant of an *ex-gratia* pension to the family of the deceased. The Government of India held that the death was attributable to risk of office and granted an *ex gratia* award to the minor son for a period of 13 years.

[G I M F, U O No D 6644 EV/52 dated the 21st October, 1952]

(4) A Government servant lost his life while on duty for petrolting with a preventive party of the Customs staff and fell a victim to some smugglers who took his life by drowning him in canal. It was held that the grant of award in the case will go a long way in keeping the morale of Land Customs staff and agreed to the grant of extraordinary pension to his two widows and children including posthumous daughter.

[G I M F No 8134 E V/52 dated the 9th December, 1952]

746E If in the circumstances described in Article 746D, it be decided to award a pension or gratuity to a civil officer or his family, the amount of the award shall be fixed by the Government of India with reference to the character and service of the officer, the nature of the risk undergone and his conduct in accepting it, and the pecuniary circumstances and prospects of the claimant maximum award being that which would be admissible in a corresponding case falling under Article 746B. The form and conditions of the award shall ordinarily be the same as those prescribed for a corresponding case under that Article, but the Government of India may modify these at their discretion, e.g. they may award an equivalent gratuity in lieu of pension or *vice versa*, if they think that this would be to the benefit of the recipient or desirable on grounds of administrative convenience.

### GOVERNMENT OF INDIA'S ORDER

It has been held that in accordance with \*Section 266(3) (e) of the Government of India Act 1935 consultation with the Federal (Union) Public Service Commission is also necessary in cases where it is proposed to reduce enhance stop or continue an extraordinary pension already granted irrespective of whether the Commission has been consulted before granting the pension or not.

[G I H D No 12 14/46 Ests dated the 23rd June 1947]

747 Subject only to such conditions as they may impose, the Government of India may grant to an officer who has been severely injured or has contracted a serious disease in the execution of public duty, or to the family of an officer who has died from the effects of such injury or diseases an extraordinary pension not exceeding Rs 25 a month, or a gratuity not exceeding the equivalent of that amount of Rs 1,000 whichever may be greater.

NOTE 1 — [The power of the Government of India under this Article may be exercised by the Railway Board in respect of railway servants.]

\*Art 320(3) of the New Constitution

NOTE 2 —[A gratuity or pension may be granted under this Article to village watchman (including a municipal chaukidar in the United Provinces), or his family even though he receives no pay from the State]

NOTE 3 —[Superintending Engineers in the Public Works Department may be authorised by the Local Government to grant a gratuity under this Article read with Article 733, not exceeding Rs 20 or two months pay whichever is less to a day labourer or mechanic injured or to his representatives if he is killed, in the execution of duty by causes beyond his control]

## GOVERNMENT OF INDIA'S ORDERS

(1) The main criterion for determining whether a certain class of cases can be brought within the scope of this Article or not is to be found in the answer to the following question —“Did the loss of life result from an injury or a disease to which a private citizen of the same social class pursuing his normal vocation at the same time and place would have been equally liable?” If the answer is ‘YES’ the claim is inadmissible. For a claim to satisfy the implied conditions of that Article it must be established that the Government servant in question ran a risk substantially enhanced in kind or degree by the nature, conditions or obligations of his employment under Government and there must be reasonably good ground for attributing the injury or disease specifically to that enhancement.

This condition cannot, however be regarded as the only test which can be applied and in fact it is only possible to decide concrete cases in the light of previous practice and with special reference to the particular circumstances of each.

[G I Department of I & L P & T No 31 P T, dated the 21st March 1929, Paragraph 439 of the Punjab Manual]

(2) The Government of India have had under consideration the question to what extent compensation should be granted to an officer or his dependent in the event of his receiving an injury or being killed as a result of an accident while travelling on duty by air. It has been decided that as a temporary measure and for (duration of war) the case of each such officer will be regulated by the provisions of the relevant extraordinary pension rules, for the time being in force, governing disability or family pension, as the case may be. Officers who are frequently required to travel by air for the necessary performance of their duties should obtain the general orders of the Government. In other cases permission to cover individual journeys should be obtained in advance from the head of the department or where the officer is himself head of a department from Government.

2 In this connection the Government of India have also considered carefully proposals to reimburse to the officer additional premia paid by him to cover any such risk or to make good the difference between the sum assured and what the officer or his estate would actually get from the Insurance Company if no extra premium had been paid by the officer for the special risk undertaken.

They have come to the conclusion that there is no justification for the grant of this concession in addition to that admissible as a

temporary measure under the relevant extraordinary pension rules as a result of the order communicated in paragraph (1) above. If therefore, the office wishes to ensure that his estate should receive the full sum assured he should meet the cost from his own pocket.

[G I F D No F 2(2) W II/45 dated the 9th July 1945]

NOTE—The orders contained in para 1 of order No (2) above should continue to be in force for a further period of three years from the 1st April 1958 or until further orders. If during this period an officer is injured or killed as a result of an accident while travelling on duty by air after obtaining the prior approval of the appropriate authority, where necessary he or his family will be eligible for awards under and in accordance with the provisions of the relevant extraordinary Pension Rules.

Such awards will not be admissible to persons who are required to obtain prior approval to travel by air if such prior approval has been obtained.

[G I M F No F 6 (5) EV/58 dated the 23rd April 1958, as amended by G I M F No F 2 (8) EV (B) 61 dated the 11th July 1961]

(3) The compensation in the event of a fatal air accident is paid by the Indian Airline Corporation even to members of the public. Any amount received on that account by the family of a deceased Government servant should not be taken into account for determining the extraordinary pension normally admissible under the Rules.

[G I M F No 457 EV (B)/60 dated the 15th February, 1960]

(4) A question was raised whether accidents or deaths occurring to civilian Government servants engaged in work with the demolition of unserviceable ammunition the storage, handling maintenance or repair of serviceable ammunition can be regarded as 'Special risk of office'. The Ministry of Finance was of the view that these types of work involve risk beyond normal risk and the performance of such duties would automatically fall under the definition of 'Special risk of Office'.

(5) The Government of India can grant a pension to a widow instead of to a son and it is not necessary that the pensions sanctioned by the G I under this Article should be subject to the conditions of Art 742 (ii).

[G I F D No 521 C S R dated the 6th June 1918 Paragraph 436 of the Punjab Manual]

## AUDITOR GENERAL'S ORDER

A Police official died of high blood pressure. Auditor General held that in the absence of legitimate proof that the disease was contracted in the execution of public duty, the grant of a family pension under this Article is not permissible. If however, it could be shown that in this case there were specific and special circumstances definitely likely to have caused aggravation of the disease and consequent death, such as orders requiring the officer to undertake duties outside his normal work on refusing or postponing the grants to him of leave at a time when the state of his health had been made known to Government, it would be in order to grant a family pension.

[Ar Genl's No 95A 47/34 dated the 16th June 1934 Paragraph 439 of the Punjab Manual]

**747A. State Railway Servants**—The following special rules apply in the case of State Railway servants who are killed in the discharge of their duties, in accidents caused by the working of trains or railway engines, otherwise than through their own negligence or wilful action :—

(1) An employee permanently disabled while on duty may be awarded a gratuity not exceeding 24 months' emoluments, or, if his service is under 24 months, 12 months' emoluments.

(2) The widow or dependents of a railway employee killed or dying of injuries received while on duty may be awarded a gratuity not exceeding 24 months' emoluments, or, if his service is under 24 months, 12 months' emoluments

(3) An employee who sustains partial disablement as the result of a railway accident rendering him unfit for reversion to his former occupation, and for whom no other suitable employment can be found, may be awarded a gratuity not exceeding 12 months' emoluments.

(4) For the purposes of rules (1) (2) and (3), 'emoluments' shall be taken at (i) the average amount for the last 12 months' service of the employee if his service is not less than 12 months and (ii) the average amount drawn during his whole service if it is less than 12 months.

(5) The gratuity admissible in any case is subject to a maximum of Rs. 15,000.

NOTE 1—[Gratuities within the maximum limits mentioned in this Article may be sanctioned by Railway Board in all cases. Agents of State Railways are authorised to sanction gratuities under this Article, provided that the grants in any single case shall not exceed Rs 6,000.]

NOTE 2—[Officials of the Railway Mail Service are eligible in the same way as State Railway servants under this Article for the grant of gratuities to those who may be injured, or to the representatives of those who may be killed, in railway accidents. For the purpose of this Rule, the Director General of Posts and Telegraphs exercises powers similar to those exercised by Agents of State Railways in respect of State Railway servants.]

NOTE 3—[This Article applies to servants of railway companies working State lines. It does not apply to State Railway servants or companies servants' injured or killed in railway accidents otherwise than in the discharge of their duties. In their case, as well as that of other Government servants injured or killed in railway accidents while travelling on civil duty, compensation is payable under the rules applicable to ordinary passengers.]

## GOVERNMENT OF INDIA'S ORDER

### *Powers of granting pensions.*

With the following exceptions no authority in India can grant to an officer a pension higher than it had power to grant him at the date of retirement

**Exceptions**—When the Government of India issue orders under Article 747 and 924 (b) C S R, or a Provincial Government does so under the latter Article it is open to them to sanction a pension higher than they had power to grant at the time the officer retired provided the enhanced pension does not take effect from a date

temporary measure under the relevant extraordinary pension rules as a result of the order communicated in paragraph (1) above. If therefore, the office wishes to ensure that his estate should receive the full sum assured he should meet the cost from his own pocket.

[G I F D. No. F 2(2) W 11/45, dated the 9th July 1945]

NOTE—The orders contained in para 1 of order No (2) above should continue to be in force for a further period of three years from the 1st April 1958 or until further orders. If during this period an officer is injured or killed as a result of an accident while travelling on duty by air after obtaining the prior approval of the appropriate authority where necessary, he or his family will be eligible for awards under and in accordance with the provisions of the relevant extraordinary Pension Rules.

Such awards will not be admissible to persons who are required to obtain prior approval to travel by air if such prior approval has been obtained.

[G I M F No F 6 (3) EV/58 dated the 23rd April 1958, as amended by G I M F No F 2 (8) EV (B) 61 dated the 11th July, 1961]

(3) The compensation in the event of a fatal air accident is paid by the Indian Airline Corporation even to members of the public. Any amount received on that account by the family of a deceased Government servant should not be taken into account for determining the extraordinary pension normally admissible under the Rules.

[G I M F No 457 EV (B)/60 dated the 15th February, 1960]

(4) A question was raised whether accidents or deaths occurring to civilian Government servants engaged in work with the demolition of unserviceable ammunition the storage, handling, maintenance or repair of serviceable ammunition can be regarded as 'Special risk of office'. The Ministry of Finance was of the view that these types of work involve risk beyond normal risk and the performance of such duties would automatically fall under the definition of 'Special risk of Office'.

(5) The Government of India can grant a pension to a widow instead of to a son and it is not necessary that the pensions sanctioned by the G I under this Article should be subject to the conditions of Art 742 (ii).

[G I F D No 521 C S R dated the 6th June, 1918 Paragraph 436 of the Punjab Manual]

## AUDITOR GENERAL'S ORDER

A Police official died of high blood pressure. Auditor General held that in the absence of legitimate proof that the disease was contracted in the execution of public duty, the grant of a family pension under this Article is not permissible. If however, it could be shown that in this case there were specific and special circumstances definitely likely to have caused aggravation of the disease and consequent death such as orders requiring the officer to undertake duties outside his normal work on refusing or postponing the grants to him of leave at a time when the state of his health had been made known to Government, it would be in order to grant a family pension.

[Ar Genl's No 95A 47 34, dated the 16th June 1934, Paragraph 439 of the Punjab Manual]



(b) In the case of men who joined provident fund some time after the beginning of their superior service the principle to be followed is that from the date on which a man begins to contribute to provident fund he should be ineligible for any pension or gratuity on account of subsequent service but that the local body concerned would as hitherto be at liberty to grant a pension or gratuity on account of his previous service if this is considered to be deserving

(c) In what way each case should be met may be left to the local bodies acting under the ordinary control There are several possible courses —

(i) The matter may be left over for consideration till the man retires and then settled as may be equitable For example gratuity might be given for the period of service before the foundation of the fund equal to the amount with compound interest which the local body's contributions would have reached had there been a provident fund during the period If the gratuity represented an annuity of Rs 2 or more p m it would have to be invested

(ii) An offer might be made to old employees by the local body of placing to their credit a bonus amounting to one anna or  $\frac{1}{4}$  anna per rupee of fixed salary from the original date of appointment without requiring any contributions from them

[Pb Govt No 2922 S dated the 23rd September, 1908, Paragraph 448 of the Punjab Manual]

#### *Service in a Municipality*

(4) Service in any Municipality for which a Provident Fund has been opened becomes non-qualifying for all members whether they join the fund as optional or compulsory members or not from the date of the institution of the fund All claims to pension in respect of service after that date cease from that date except in those cases where the Local Board concerned refused to allow an employee to join the Provident Fund or authorised his absention on the understanding that he would retain his pensionary benefit unimpaired

[Pb Govt No 4226 B. & C dated the 8th February 1921 Paragraph 449 of the Punjab Manual]

(5) A Municipal Committee is not competent to declare the inferior service for purposes of pension as superior under rule 1 of Art 396 C S R.

[Paragraph 450 of the Punjab Manual]

797 In the case of the Local Funds which up to 1st April 1908 were treated as Incorporated, the Local Government may, subject to any provisions of law applicable to the case, allow the Trustees, Committee, or Managers to treat the service as qualifying, and may itself do so in the case of Funds under its own direct administration

#### **PUNJAB GOVERNMENT'S ORDER**

The payment of gratuities to employees in the service of District

earlier than the date of orders by which increased powers were delegated to them

[G.I.F.D., No 442—C.S.R., dated the 15th May, 1918, Paragraph 418 of the Punjab Manual]

### AUDITOR GENERAL'S ORDER.

A Local Government is competent to grant an extraordinary pension or gratuity, within the limit prescribed in Article 747 to an officer who contracts venereal diseases in the execution of the public duty

[Paragraph 408 of the India Supplement]

## PART VII—SERVICE UNDER LOCAL FUNDS

### Chapter XLII.—Service Under Local Funds.

#### SECTION I—PENSIONS

796. Apart from any special provisions made under the following rules, service paid for from a Local Fund does not qualify for pension.

### GOVERNMENT'S ORDERS.

#### *Powers of sanction.*

(1) The Local bodies are competent themselves to sanction pensions in the case of their employees provided the Audit Officers' Report is a clear one and the amount reported to be admissible is not in excess of that which would be admissible for similar service under Government. Cases not coming under the above category or where service under an Excluded Local Fund is proposed to be combined with service under Government with a view to applying the Rule of Proportions to the share chargeable to each source (note 1 to Art 801 C.S.R.), will however continue to be submitted to Government

[Pb Govt No 1349—1350 (Finl) dated the 3rd July, 1908, Paragraph 446 of the Punjab Manual]

(2) The Government of India have ruled that the 'officer who has authority to fill the appointment', referred to in Art. 918 (b) C.S.R., need not necessarily be a Government servant and that according to this ruling, the non official president of a district local board will be competent to sanction pension in the case of officers whose appointments he is competent to fill up provided that the pension is certified by the responsible Audit Officer to be clearly and strictly admissible under rule

[G.I.F.D. No 1425 C.S.R., dated the 22nd December 1919, Paragraph 447 of the Punjab Manual]

#### *Claims of the servants of Local Bodies.*

(3) (a) Employees who come under the provisions of a provident fund from the beginning of their service should not be allowed any pension or gratuity in addition to the benefit received from the provident fund. The quota contributed to the fund by the local body must be held to cancel all claims to any pensionary reward.

(b) In the case of men who joined provident fund some time after the beginning of their superior service the principle to be followed is that from the date on which a man begins to contribute to provident fund he should be ineligible for any pension or gratuity on account of subsequent service but that the local body concerned would as hitherto be at liberty to grant a pension or gratuity on account of his previous service if this is considered to be deserving

(c) In what way each case should be met may be left to the local bodies acting under the ordinary control There are several possible courses —

(i) The matter may be left over for consideration till the man retires and then settled as may be equitable For example gratuity might be given for the period of service before the foundation of the fund equal to the amount with compound interest which the local body's contributions would have reached had there been a provident fund during the period If the gratuity represented an annuity of Rs 2 or more p m it would have to be invested

(ii) An offer might be made to old employees by the local body of placing to their credit a bonus amounting to one anna or  $\frac{1}{2}$  anna per rupee of fixed salary from the original date of appointment without requiring any contributions from them

[Pb Govt No 2922 S dated the 23rd September 1908, Paragraph 448 of the Punjab Manual]

#### *Service in a Municipality*

(4) Service in any Municipality for which a Provident Fund has been opened becomes non qualifying for all members whether they join the fund as optional or compulsory members or not from the date of the institution of the fund All claims to pension in respect of service after that date cease from that date except in those cases where the Local Board concerned refused to allow an employee to join the Provident Fund or authorised his absention on the understanding that he would retain his pensionary benefit unimpaired

[Pb Govt No 4226 B, & C dated the 8th February 1921 Paragraph 449 of the Punjab Manual]

(5) A Municipal Committee is not competent to declare the inferior service for purposes of pension as superior under rule 1 of Art 396 C S R

[Paragraph 450 of the Punjab Manual]

797 In the case of the Local Funds which up to 1st April 1908 were treated as Incorporated, the Local Government may, subject to any provisions of law applicable to the case allow the Trustees, Committee, or Managers to treat the service as qualifying, and may itself do so in the case of Funds under its own direct administration

#### **PUNJAB GOVERNMENT'S ORDER**

The payment of gratuities to employees in the service of District

Boards drawing not less than Rs. 20 is not admissible, but the purchase of annuities for them is permitted if they are entitled to pension.

[Paragraph 451 of the Punjab Manual.]

798. The same procedure should be observed in the calculation, grant and payment of pensions for service treated as qualifying under Article 797, as is prescribed for pensions payable from General Revenues, but the pensions must be paid from and charged against the Local Fund.

NOTE.—[See the Notes under Article 807]

799. When part of the pensionable service of an officer qualifies for pension from the General Revenues and part from the Local Funds which up to 1st April, 1908 were treated as Incorporated, his pension is paid and charged according to the Rule of Proportions: it is not admissible to disregard the pensionable Local Fund service and award a pension only for the service paid from General Revenues: Provided that if, under this rule, less than one-fourth of the pension would be payable from either source, no distribution shall be made; in such case the other source shall bear the whole charge.

#### GOVERNMENT'S ORDERS.

(1) In a case in which two District Funds are jointly liable for more than one-fourth of a pension, each of the two should contribute proportionately.

[G I F D No 4629—P, dated the 11th October, 1899, Paragraph 452 of the Punjab Manual]

(2) At the time of verification of the service of an officer who has served under a District Board and the Government an enquiry should be made as to whether the District Board is prepared to meet its pensionary liability. If the service is verified and the reply is in affirmative the amount of pension should be charged as laid down in this Article

[Paragraph 453 of the Punjab Manual.]

#### AUDITOR GENERALS' ORDER

The Auditor General has ruled that in the case of pensions ordinarily debitable according to the Rule of Proportions, when the share of pension payable from one source does not exceed Re. 1, entire pension may conveniently be borne by the other source under the principle in Art. 799 C S R. This rule should be generally applied to all cases of pensions divisible under the Rule of Proportions.

[Ar. Genl.'s letter No. 280-T A. & A. dated the 29th May, 1919, Paragraph 454 of the Punjab Manual.]

800. In the case of other Local Funds, the rule that service does not qualify does not prohibit the grant and payment of pensions in conformity with the general terms of the pension rules by the authorised administrators of the Funds. But Government is in no way responsible

for the sanction or continuance of such pensions, and no standing order for their payment may be issued to or received by, any Government Treasury, and the procedure rules in Part X do not apply to them.

NOTE.—[The restrictions as to the payment of such pensions do not apply to pensions chargeable to the Calcutta Fire Brigade Fund.]

## GOVERNMENT OF INDIA'S ORDER.

The grant of gratuities and pensions to Cantonment Fund employees is not permissible.

[Paragraph 456 of the Punjab Manual.]

801. Service in the following establishments paid from Local Funds is treated as qualifying, provided that pension for service under the Fund is paid from the Fund, the Rule of Proportions being applied in the case of service paid partly from the Fund and partly from other sources :—

(i) Establishments paid from Port Funds managed by Government.

NOTE.—[The rule regarding officers of the Royal Indian Marine lent to Port Trust is given in Article 772 (b) (iv) ]

(ii) Members of the establishment of the Fire Brigade, Calcutta, whose pay at date of discharge exceeds Rs. 20 a month.

NOTE.—[The pension of a member of the Fire Brigade who was enlisted on or after 27th December, 1905 and whose pay at date of discharge does not exceed Rs. 20, is regulated by Scale B in Article 503 and is paid from the Fire Brigade Fund or from the Fire Brigade Fund and the General Revenues according to the Rule of Proportions as provided above for officers on pay exceeding Rs. 20. The pension of a member of the Fire Brigade who was enlisted before 27th December, 1905 and subscribed to Police Superannuation Fund, and whose pay at date of discharge does not exceed Rs. 20 is on his being invalided, regulated by Scale A in Article 503 and paid from General Revenues, provided he pays up his subscriptions from 27th December, 1905 to the date of his retirement. Failing such payments, his pension or gratuity is regulated by Scale B in Article 503 and paid from the Fire Brigade Fund or from the Fire Brigade Fund and the General Revenues according to the Rule of Proportions as provided above for officers on pay exceeding Rs. 20.]

1. The transfer of Government servants to serve under Local Funds should ordinarily be dealt with under the rules regarding Foreign Service. The application of the Rule of Proportions to service partly under a Local Fund (other than those mentioned in this Article) requires the special sanction of the Local Government who before giving such sanction should satisfy itself that fund in question is not of a merely temporary character, that it is solvent and able to bear the charge, and that the pension can legally be charged to it.

## GOVERNMENT OF INDIA'S ORDERS.

(1) The Rule of Proportions applies only to cases where officers are transferred in the interests of the service from Government employment to service under Excluded Local Funds and *vice versa*, and not to cases where Officers have resigned to take an appointment under Government.

[G I No 2753 P., dated the 6th June, 1900, Paragraph 457 of the Punjab Manual.]

(2) Art 800 absolutely prohibits the issue of standing orders on Government Treasuries for payment of pensions from Excluded Local Fund

[Paragraph 424 of the Ind a Supplement ]

(3) An officer does not forfeit his previous qualifying service under Government by taking leave without pay and taking up appointment in a municipality with the knowledge of his superiors. No contribution can be taken in this case as the appointment was not made with the consent of the Government

[G I F D No 3774 dated the 12th July 1888 Paragraph 425 of the India Supplement ]

(4) The grant of gratuities and pensions to Cantonment Fund employees is not permissible under Cantonment Fund Rules

[G I M D No 1286 C dated the 16th July 1897 Paragraph 456 of the Punjab Manual ]

(5) The services of an officer transferred from qualifying service under Government to one of the establishments mentioned in Art 801 C S R are under Art 803 C S R subject to the same limitations and conditions as are applicable to foreign service notwithstanding the fact that his service under the Local Fund qualifies for pension according to the Rule of Proportions under Art 801 C S R

[G I H D No 1287 P dated the 7th November 1903 Paragraph 426 of the Ind a Supplement ]

(6) Rule 1 under this Article does not apply to the case of a Municipal employee part of whose service was rendered qualifying by the payment of contribution under Art 802 C S R. It applies only to cases in which the service has been partly under Government and partly under a Local Fund

[C G No 574A and A 7 16 dated the 30th May 1916 Paragraph 429 of the Ind a Supplement ]

### Pensions from the General Revenues

802 The administrators of a Local Fund may, with the permission of the Local Government make a permanent arrangement for contributing for pensions from the general revenues for its permanent employees or for any specified classes of them by paying to Government a contribution of one-ninth of the sanctioned salaries of the several appointments. Provided that —

(a) The contribution must be paid in full at the beginning of each month by cash or cheque to the nearest Government treasury. Any default in the payment of the contribution entails forfeiture of the claim against Government,

(b) The bills for establishment charges must be subject to audit by Government with a view to ensuring that health certificates have been obtained for new entrants that the contributions are recovered in respect of the whole establishment sanctioned, and that no employee in

any month draws more than the amount sanctioned for the appointment held by him.

Arrear contributions in respect either of individual officers or classes of officers, proposed with a view to render past service qualifying, cannot be accepted

1 The Municipal Corporation of the City of Bombay may make a similar arrangement for contribution to pensions from the general revenues for teachers employed in municipal schools, without enforcement of the condition of the audit by the Accountant General provided the Accountant General is furnished with—

(1) An annual list of the Establishment of teachers in Civil Account Code Form No 3 with accompaniment in Form No 4,

(2) Health certificates of all new employees,

(3) Last pay certificates of all teachers transferred from other schools

2. (a) Teachers employed in schools maintained from Local or Municipal Funds in Bombay—

(i) who were appointed to Local (not Municipal) Fund service before 26th June 1882 and on whose behalf contributions were made from Local Fund to the Local Fund Pension Fund, or

(ii) who were appointed or transferred from Government service after 26th June 1882 (the date the Local Fund Pension Fund was closed to new entrants) and before 7th January 1889 the date of the new Foreign Service rules, and on whose behalf contributions were specially permitted by the Local Government to be paid to secure a title to pension from General Revenues under the rules in force before 7th January 1889 (see 'Note' below) continue to be in pensionable service when they are transferred, together with the schools in which they are employed from Local to Municipal service and vice versa

(b) Also teachers fulfilling either of the conditions (i) and (ii) above, who are transferred under orders of the Local Government and in the interests of the public service, and not for private reasons between Local Fund and Municipal schools continue to render service pensionable from the General Revenues Provided that contributions are paid in all cases under the rules in this Chapter

(c) In case (i) any pension granted is charged to the Rule of Proportions

NOT —[Under the rules in force prior to January 1889, an officer paid from a Local Fund was allowed on first appointment with the permission of the Local Government, and upon production of the health certificate prescribed in Article 49 to subscribe for a pension from the General Revenues, the contribution being calculated at one-eleventh of the gross salary received from his foreign employers subject to a maximum of Rs 100 a month This permission, in so far as it relates to individual officers (apart from the regular system of contribution under the above Article) is withdrawn but officers who have already been permitted to subscribe may continue to do so subject to the conditions prescribed in Article 756 (a) of the Old Foreign Service Rules These Regulations will then apply to such officers so long as they continue to subscribe for pension as if they were paid from the General Revenues ]

(2) In calculating pensions admissible to teachers transferred from Government to the control of local bodies, the Government of India have decided that every increase to the rate of pay enjoyed by an officer at the time of his transfer should be reported to the Local Government who will then decide whether the increase will count towards the officer's pension without a contribution being required for the purpose from the local authority

When such sanction is given, the pension should be calculated on the increased rate of pay

[Ar. Genl's letter No 990 A & A.-515-19, dated the 8th December, 1919, Paragraph 464 of the Punjab Manual]

## GOVERNMENT OF INDIA'S ORDERS

### *A Local Fund cannot contribute for individual employees*

(1) There is no authority for receiving pensionary contributions, arrear or otherwise, from a local body for individual employees selected from among its establishment. The rule in Article 802 authorises the Local Government to permit the administrators of a Local Fund to contribute for pensions, from the General Revenues for the whole of its permanent employees or for any specified classes of them. It is intended that the contribution should be calculated upon the total of the sanctioned salaries of the appointments in respect of which they are paid, without reference to the question whether particular individuals who at any time hold the appointments are rendering qualifying service or not. The effect of a transfer to service under a Local Fund in the case of any particular individual is therefore that his service under the Local Fund will qualify for a pension from General Revenues if the appointment to which he is transferred is one of a class for which contributions are paid whether his previous service under Government was qualifying or not, but it will not qualify if the appointment does not belong to such a class (Bengal)

[G I F D No 1282-P dated the 20th March, 1899 Paragraph 431 of the India Supplement]

*Grant of pension to an officer compulsorily transferred to Local Fund and then dismissed.*

(2) When a Government officer is compulsorily transferred to an appointment paid by a Local Fund, and is subsequently dismissed therefrom, he has no claim to a pension or gratuity, but if the Local Government consider that he is deserving of a compassionate allowance, it may award a pension not exceeding that which could have been granted as a compensation pension on the termination of the officer's service under Government (Burma)

[G I F D., No 819 P., dated the 19th February, 1903, Paragraph 435 of the India Supplement].

### *Arrear contribution not acceptable*

(3) A Local Government is not competent to sanction the acceptance of arrear contributions for pension from Local Fund



employees in order to enable their past service to qualify for pension from the General Revenues with reference to Art 802 C S R

[G I F D , No 2542 P , dated the 7th June, 1947, Paragraph 430 of the India Supplement ]

(4) If an officer, whose service is pensionable under the provisions of Article 802 C S R., is detached on temporary duty to a non-pensionable post or to a post under the same or a different Local Board, which is non pensionable under that Article, he counts his detached service under Article 376 C.S R

(5) Pensionary contribution is payable by the Local Body concerned on the personal allowances paid to its employees in addition to the contribution fixed for the scales of pay of their posts

[M G Fin (Rev ) No 12206-1, dated the 20th April 1936 ]

803. An officer who is in qualifying service under Government may be transferred by the Local Government to service under a Local Fund under the same limitations and conditions as are applicable to transfers to Foreign Service. If the establishments are fixed and controlled by Government in the same way as Government establishments, the limitations and conditions are those applicable to Foreign Service of the second kind , otherwise they are those of Foreign Service of the first kind

834 Teachers and other members of the pensionable establishments of Government Schools who are transferred with the schools to which they belong to service under Local Boards, continue to render service qualifying for pension from the General Revenues, and are entitled to the concession even though they may be moved from the school with which they are transferred to another school which was formerly under Government management.

Teachers appointed to schools transferred to the management of Local Boards are entitled to pension from the General Revenues if the Local Government makes a part of its contribution to the school in the form of free pensions.

NOTE —Local Boards in this Article include "Municipalities " [Paragraph 434 of the India Supplement]

805. If an officer, whose service is reckoned as pensionable under the provisions of Article 802, is transferred to the similarly pensionable establishment of another Local Fund, the transfer will not interrupt the continuity of service for pension Transfers may also be made between such service under Local Funds and service in Government establishments.

806 Article 755 (a) does not apply to an officer transferred to service under a Local Fund under the conditions and limitations of Foreign Service of the second kind otherwise than as a merely temporary arrangement , but it does refer to transfers to service under a Local Fund under the conditions and limitations of Foreign Service of the first kind

### Pensions payable partly by Government and partly by a Local Fund

807. When a pension is payable partly by Government and partly by a Local Fund, the Local Fund concerned may pay the capitalised value (calculated on the basis of the Table of commutation values for pensions applicable to the pensioner, increased by 10 per cent) of its share of the pension to Government which will thereupon accept liability for the payment of the entire pension

NOTE 1 —[When a pension is payable partly by Government and partly by a Local Fund the Local Fund concerned may pay the capitalised value (calculated according to the Post Office Annuity Table) of its share of the pension into the Government Treasury instead of purchasing an annuity from the Post Office]

NOTE 2 —[A District Board or Municipality may with the previous sanction of Commissioner of the Division (in Madras of the Local Government) grant a gratuity as such to any of its servants in lieu of the annuity purchasable under this Article if the gratuity proposed is not large enough to purchase an annuity of Rs 2 a month or more]

## GOVERNMENT OF INDIA'S ORDERS

### *Payment of arrears of annuities direct from District Funds*

(1) As Post office annuities cannot be purchased with retrospective effect, the Government of India have decided that arrears of such annuities due for any period before the date from which the annuity purchased becomes payable may be paid direct from District Funds, if the Local body so desires

[G I F D No 5380-P dated the 12th December, 1898 Paragraph 467 of the Punjab Manual]

### *Payment of pensions of Local Fund employees from Treasuries*

(2) Payment of pensions on behalf of Local Funds employees may be arranged from Government treasuries after credit by the Local Bodies concerned of the value into the treasury. The payment of such pensions will commence from the date on which the value of the pension is credited into the treasury, any arrears due being payable direct from the Local body concerned at its option

[G I F D No 5828 P dated the 18th October 1905 Paragraph 468 of the Punjab Manual]

(3) With effect from the 1st October 1930 from which date the Post Office Annuity Scheme has been abolished, the capitalised value of pension, payable by a Local Fund should be calculated on the basis of the table of commutation values for pensions applicable to the pensioner increased by ten per cent

[G I F D No F/6-LVIII R II/50 dated the 29th January 1931, Paragraph 437 of the India Supplement]

(4) In cases in which under the provisions of this Article the capitalised value of the share of pension chargeable to a Local Fund is calculated on the basis of the birth day subsequent to the date of retirement of the pensioner and credited to Government by the Local

Fund in full before that birth day, the Government will take the liability of making payments from the date of retirement. As such lump sum recoveries include a surcharge of 10 per cent to cover incidentals no interest may be charged for short delays in payment.

[G.I.F.D. D.O., letter No F 6(58)-R II/41, dated the 19th December, 1941 to the Financial Adviser to Chief Commissioner, Baluchistan]

### Local Fund Pension Funds

808. The Government does not guarantee the solvency of Funds formed by the subscriptions of Local Fund officers, and established to provide pensions for the subscribers thereto.

### Exceptional Cases

809. In the following cases, service paid from Local Funds qualifies :—

(a) Service paid from the Cotton Funds Improvement Fund which qualified for pension payable from that Fund prior to its exhaustion.

(b) Second writers and darogas on Jail establishments in the Bombay Presidency formerly paid from a Jail Labour Fund.

(c) Muharirs attached to the court of any Honorary Magistrate in the Central Provinces and paid from Municipal Funds.

(d) Officers in the United Provinces transferred in connection with the introduction of the Local Self-Government scheme before 1st April, 1885 to service under Local Committees constituted under Act III and IV of 1878.

(e) Officers in Assam transferred after 10th May, 1882, and before 12th May, 1884, to service, under Local or District Committees constituted by the Assam Local Rates, Regulation (1879).

(f) Officers in the Punjab transferred before 1st July, 1886 to service under District Boards constituted under Act XX of 1883.

(g) Service paid from the "Quetta Revenue Fund" before 1st April, 1883, from which date the charges previously paid from the Fund became charges on the General Revenues.

### SECTION II—LEAVE, ACTING AND TRAVELLING ALLOWANCE RULES

810. Service under the Local Funds which up to 1st April, 1908 were treated as Incorporated may qualify for leave under Part III; but the allowances given during such leave must be disbursed from the Local Funds and General Revenues according to the Rule of Proportions: Provided that, if less than one-fourth of the said allowances would be payable from either source, the whole of the allowances shall be charged to the other source.

811. Except in the case of employees of Local Funds which under legal enactment, or under rules framed under such enactment, have

*special rules regulating all or any of such matters, no leave, or allowances during leave or acting allowances to an officer paid from a Local Fund, or from any other sources under the control of a Government officer, shall, without the express sanction of the Local Government, exceed what would be admissible under the rules which apply to an officer paid from General Revenues.*

NOTE—[A Local Government may delegate its power under this Article to Heads of Departments.]

### AUDITOR GENERALS' ORDER.

The grant of leave and leave allowances to Cantonment Fund employees should be regulated by this Art.

[C G No 753-E-514-11 dated the 13th October, 1911, Paragraph 440 of the India Supplement]

812. *The salary of an officer whose substantive office is paid from a Local Fund appointed to act in an office paid from the General Revenues is calculated as it would be if his substantive office also were paid from the General Revenues.*

813. Applications for leave are ordinarily made to the Managers of the Local Fund concerned; but when the officer contributes for pension and leave, or pension only, Article 780 should be complied with

814. *The travelling allowance rules in part XI do not apply to officers paid from a Local Fund or from any sources other than General Revenues under the control of any Government officer; but the travelling allowance paid to such officers shall not, without the express sanction of the Local Government, exceed what would be admissible to similar officers under Part XI.*

NOTE—[A Local Government may delegate its power under this Article to Heads of Departments]

## PART VIII.—RECORD OF SERVICE

### Chapter XLIII.—Record of Service

#### SECTION I—GAZETTED OFFICERS

815. (a) *A record of the service of gazetted officers and of Myooks and Junior Assistant Registrar in the Cooperative Department in Burma is maintained by the Audit Officer under arrangements which differ in different departments. The general arrangement to be observed is that the Service Registers should be kept by the Audit Officer who audits the salaries and that, when an officer passes from one audit circle to another, a record of his past service should be passed on from the Audit Officer whose circle he leaves to the Audit officer to whose circle he is transferred*

[(b) and (c) relate to Chaplains—(Not printed)]

1 When a gazetted officer is transferred to Foreign Service a copy of his Service Register will be sent by the Audit Officer whose duty it was to keep it to the Accountant General who will account for the contribution and the latter will return the register (or an extract from it), duly written up to date when the officer is re transferred to British Service

2. Government Examiners of Railway Accounts and the Examiner of Accounts Military Works Services will keep the Service Registers and Service Books of officers and subordinates of the Railway Department and the Military Works Services as the case may be transferred to Foreign Service and will issue their last pay certificates all contributions paid into the Treasuries on account of these officers being reported to the Audit Officers by the Accountant General

## GOVERNMENT OF INDIA'S ORDERS

(1) A promotion is an important event in the official career of a gazetted Government servant It should also be notified in the gazette. This notification will be in addition to the special declaration to be issued under the second proviso to F R 30(1)

Report of relinquishment of the charge in the office in which the Government servant is serving and report of assumption of duties in the higher grade in his parent office would not, however, be necessary in such cases as they would be factually incorrect

[GIMHA, No 13/2/58 Ests (A), dated the 24th October 1957]

(2) A question was raised whether re designation of a gazetted post amounts to the relinquishment of the charge of the former post by its incumbent and also simultaneous assumption of the charge of the re designated post and if so, whether notification regarding the transfer of charge is necessary It has been decided that both the Gazette notification and an intimation to the Accounts Officer concerned are necessary As regards handing over/taking over charge, no formal charge report need be called for in such cases, but in endorsing the copy of the notification to the Accounts Officer it should be made clear that the re-designation does not involve any change in duties or classification or scale of pay This would enable the Accounts Officer to instruct the treasury and other disbursing officers suitably

[GIMHA, No 13/2/58 Ests. (A) dated the 1st October, 1958]

## AUDITOR GENERAL'S ORDER.

The Military Accountant General has been requested to issue necessary instructions to the audit officers under his control so that the information regarding the year—calendar or official—in respect of which privilege leave has been granted during the three years previous to the transfer, may invariably be furnished in the leave statement forwarded to the civil audit officer at the time a military officer is transferred to civil employ

[C.G No 79 A & A 303 13, dated the 4th July, 1913, Paragraph 441 of the India Supplement]

## SECTION II—NON GAZETTED OFFICERS

816. With the exceptions noted below, a Service Book (Form 23)

should be kept for every non-gazetted officer holding a substantive appointment on a permanent establishment, in which every step in his official life should be recorded, each entry being attested by the head of his office. If the officer is himself the head of an office (e.g., a Postmaster or Sub-Inspector of Police), the attestation should be made by his immediate superior. The following are the exceptions referred to.—

(1) Non Gazetted officers the particulars of whose service are recorded in the 'History of Services of Gazetted and other officers' or in Service Registers maintained by the Accountant General (2) Sub-Registrars in Bengal, Bihar and Orissa whose record of service is maintained by the Inspector General of Registration in the form of service Registers (3) Members of the Salt Preventive Force mentioned in item (3) under Article 494 of these Regulations, Police officers of rank not higher than head constable (3A) Members of the menial establishment in the Presidency Division of the Salt Department in the Bombay Presidency whose pay does not exceed Rs 20 a month; also the Excise menial staff in that Presidency (4) Postmen and village postmen (excluding head postmen, overseer postmen and sorting or reader postmen), and mail guards in the Railway Mail Service and linemen or line riders in the Telegraph Engineering Branch recruited after 15th November, 1933 (5) Mandals employed in the Assam Valley Districts (6) Myooks and Junior Assistant Registrars in the Co-operative Department in Burma (7) Permanent subordinate non pensionable employees on State Railways for whom a special form of record has been prescribed (8) Inferior servants of all sorts (9) Enrolled clerks storekeepers and checkers of the Indian Army Service Corps and Indian Corps of Clerks (Indian Wing).

## GOVERNMENT OF INDIA'S ORDERS.

(1) The Service Book of an on-gazetted officer officiating in a gazetted appointment should be kept by the head of the office to which he permanently belongs

[G L F D, No 637-F, dated the 9th February, 1897]

(2) Service Books should be maintained for all temporary and officiating Government servants who have been, or are likely to be employed for a period exceeding one year

[G I M F, No F 12 (13) Est IV/49, dated the 6th July, 1949]

(3) It has been decided —

(i) to dispense with the affixing of left hand thumb and finger impressions on page 1 of Service Book during the service life of a non gazetted Government servant, if he is literate enough to sign his name in English, Hindi or the official regional language, and

(ii) to dispense with the practice of recording the left hand thumb and finger impressions taken as a means of identification of pensioners who are required to send along with their pension application certified copies of photograph of passport size, only if they are literate enough to sign their names

[G I F D, No F 7(62)-EV/56, dated the 5th November, 1956]

(4) It has been decided that in future the whole non-gazetted service of an officer shall be admitted for pension by the Audit Officer who is to authorise the payment of pension to him on the basis of

the entries recorded in his Service Book, irrespective of the fact whether he rendered service in different circles of audit during his service career

[G I M F, No F 38 (4)-EV/60, dated the 21st December, 1962 ]

(5) See Note 2 on page 422.

817. Service rolls such as those prescribed for the Police in Article 823 should be maintained for all officers holding substantive appointments on a permanent establishment for whom Service Books are not kept except runners, boatmen and coolies in the Post Office, and the officers referred to in exceptions (1) (2) (6) and (7) under Article 816. Service rolls should invariably be submitted with the pensions papers to the Audit office.

818. In all cases in which a Service Book is necessary under Article 816, such a Book shall be maintained for a Government servant from the date of his first appointment to Government service. It must be kept in the custody of the Head of the Office in which he is serving, and transferred with him from office to office. The Head of the Office should see that all entries in the Service Book are duly made and attested. There should be no erasures or over-writing, all corrections being neatly made and properly attested.

NOTE.—[The Service Book shall not be returned to the Government servant on retirement resignation or discharge from service even in cases where he might have paid for it already ]

## GOVERNMENT OF INDIA'S ORDER

The question whether it would be permissible to supply a certified copy of the Service Book to a Government servant who asks for it on quitting Government service by retirement, discharge or resignation has been considered and it has been decided that in such cases, a certified copy of a Service Book may be supplied to the Government servant on payment of a copying fee of Rs 5

[G I M F, No F 12(6) E IV/61, dated the 9th May, 1961 ]

## AUDITOR GENERAL'S ORDER.

In the case of non gazetted Government servants serving under more than one Government, the information regarding the incidence of leave salary for the first four months of leave on average pay which is necessary for the purpose of allocation of their pensionary charges, should be recorded by the respective Heads of Offices in column 13 of their Service Books

[Ar Genl's letter No 144 Admn C/446-23 dated the 23rd February, 1929 ]

819. It is the duty of every officer to see that his Service Book is properly kept up, in accordance with the previous Article. If the Book is not carefully kept up, difficulties may arise as to verification of service, when the officer applies for pension. The Head of the Office, will, therefore, allow the officer to examine the Service Book, should the officer at any time desire to do so. Ordinarily there should be no

occasion for this as the examination should be made whenever the officer is required to sign against an entry in his Service Book.

820. Personal certificates of character should not, unless the Local Government so directs, be entered in column (14), but if an officer is reduced to a lower substantive appointment, the cause of the reduction should always be briefly stated thus—"Reduced for inefficiency," "Reduced owing to revision of establishment," etc.

## GOVERNMENT OF INDIA'S ORDER.

### *Study or Training Abroad.*

With regard to approved courses of study or training undergone in India or abroad, it has been decided that:—

(i) Whenever an officer attends an approved course of study or training, the fact of his having done so should be entered in his Character Roll.

(ii) The report received from the head of the institution should either be placed in original with the character roll or the substance of it entered therein.

(iii) An entry about the 'Report' submitted by the officer on his work abroad as required under Cabinet Secretariat O.M No 145/CF/52, dated the 22nd May, 1953, should also find mention in the Character Roll if it is outstandingly good, or is of poor quality indicating that the officer had not made good use of his period of study or training

[G I M H A , No 51/14/60-Est (A), dated the 29th January 1962 ]

NOTE —[Approved courses of training may be defined to include courses sponsored by the Government or in which the cost or part of the cost is borne by Government, as also course attended with the permission of Government or for which Government grant study leave. In respect of some of these courses, it may not be possible or necessary to obtain reports which could be incorporated in the character rolls. For instance, there are part time courses and refresher courses where an assessment of the candidate is not made. In such cases, however, entry in the character roll of the fact of the officer having attended the course would nevertheless be useful in giving a more complete picture of the officer's experience and accomplishments ]

[G I M H.A., No. F 51 (2)/62 Ests. (A), dated the 12th April, 1962 ]

821. Every period of suspension from employment, and every other interruption in service, should be noted, with full details of its duration, by an entry written across the page and attested by the Head of the Office or other attesting officer

1 The Head of the Office should take efficient measures to see that the entries are made with regularity. The duty should not be left to the non gazetted officer concerned

822. (a) If the officer is transferred to Foreign Service the Head of the Office or department should send his Service Book to the Accountant General, who will return it after noting therein under his signature, the orders of Government sanctioning the transfer, the effect of the transfer in regard to leave admissible during Foreign



Service, and any other particulars which the Accountant-General may consider to be necessary in connection with the transfer. On the officer's re-transfer to the Government service, his Service Book should again be sent to the Accountant-General, who will then note therein, under his signature, all necessary particulars connected with the officer's Foreign Service including the fact of recovery of leave and pension contributions.

1. No entries made in the Service Book of an officer on Foreign Service of the first kind can be attested by any officer except the Accountant General.

2. Rule I does not apply in the case of Military Works and Railway Subordinates, (*vide* rule 2 under Article 815).

(b) In cases in which the salaries are audited by an Accountant-General, this Article does not apply to Foreign Service of the second kind.

### SECTION III—NON GAZETTED POLICE SERVICE

823. In the case of Police officers of rank not higher than head constable, there shall be kept up for each district by the District Superintendent of Police a Service Roll in English, in which shall be recorded the date of the enrolment of each man in the Constabulary ; his caste, tribe, village, age, height, and marks of identification when enrolled ; his rank, promotion, reduction or other punishment ; his absence from duty, on leave or without leave ; the interruptions in his service ; and every other incident in his service which may involve forfeiture of portions of his service, or affect the amount of his pension. The roll shall be checked by the Vernacular Roll and Order Book and the Punishment Register, and every entry in it shall be signed by the District Superintendent of Police.

824. From this Roll the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected, as prescribed in Article 908, in respect of any service rendered before enrolment in the Constabulary which the applicant may be entitled to count.

## PART X—PROCEDURE RELATING TO PENSIONS

### Chapter XLVII.—Applications for and Grant of Pensions.

#### SECTION I.—GENERAL

905. The rules in this Chapter apply to all officers applying for pension under these Regulations except—

(a) Members of the Indian Civil Service—(*Chapter XLIX*).

(b) Chaplains—(*Chapter L*).

(c) Judges of the High Courts, for whom no special procedure is laid down.

## GOVERNMENT OF INDIA'S ORDERS

(1) Amendments to Chapter XLVII of the Civil Service Regulations were devised to speed up procedure relating to applications for and the grant of pensions. It has come to notice that, despite the amendments of the rules long delays still occur, and that these delays happen because Departments concerned do not, in most cases give a sufficient degree of priority to pension cases. In order to prevent further cause for complaint on the part of pensioners, it is requested that Administrative Departments concerned should issue instructions to the effect that pension cases should always be given as high a degree of priority as is possible in future.

[G I F D, No F 6/54]—R II/44 dated the 23rd November, 1944]

(2) The relevant provisions of the Civil Service Regulations relating to matters of procedure in regard to payment of pension etc., shall continue to apply to Judges of High Courts.

[G I F D No F 27 IV C.S.R /27, dated the 15th June, 1927, Paragraph 445 of the India Supplement]

(3) See Government of India's order No (3) below Art 352

*Immediate relief to the families of non gazetted Government servants who die while in service*

(4) The question of timely relief that should be given to families of non gazetted Government servants in permanent or temporary employ (excluding members of the work charged establishments and daily rated staff) who had rendered not less than three years' continuous service and who died while in service (whether on duty or on leave with or without pay), in order to enable them (the families) to meet their immediate requirements has been under consideration of the Government. The necessity for such a humane measure has now been accepted and the President is accordingly pleased to authorise Heads of Departments/Offices to sanction to the families of Government servants referred to above, an advance equal to two months' pay, subject to a maximum of Rs 500 if in the opinion of the Head of Department/Office the family concerned has been left in indigent circumstances upon the death of the Government servant on whom it was dependent, and is in immediate need of financial assistance.

2 In the case of a Government servant who was eligible for the benefits of liberalised pension rules payment should be made only to the person or persons nominated by him or otherwise eligible (*i.e.*, where there is no nomination) to receive the death *cum* retirement gratuity in the same proportion as they are entitled to. In the case of a Government servant who was not eligible for the benefits of the liberalised pension rules but was eligible for the benefits of the Contributory Provident Fund or the General Provident Fund, payment should be made to the person or persons, nominated by him in the same proportion as they are entitled to the Provident Fund amount as specified in the nomination. In cases where there are no

nominations and there is a family, the amount of advance may be paid to the person or persons entitled to receive the amount under rule 25 (i) (b) of the Contributory Provident Fund Rules (India), or rule 31 (i) (b) of the General Provident Fund (CS) Rules, as the case may be, and in cases where there is no family, it may be paid to the person or persons entitled to the amount under the Provident Fund Act, 1925

3 In cases of temporary/quasi permanent Government servants and permanent Government servants with less than 5 years' qualifying service the advance should be made to the person or persons eligible to receive death-gratuity under this Ministry's Office Memorandum No F 17(1) EV (A)/60, dated the 11th July, 1960, as amended from time to time (order No 3 below Art 352)

4 In all cases an undertaking should be taken from the person or persons concerned, before the payment is made, that he/she or they agree to the amount being deducted from the death-cum-retirement gratuity, or the Contributory Provident Fund amount or the General Provident Fund amount or the death-gratuity under orders of the 11th July 1960 (order No 3 above) as amended, as the case may be, ultimately payable to him/her or them

5 Payments made under this order shall be debited to "S-Deposits and Advances—Part III Advances not bearing interest—Departmental Advances—Civil Advances (e) Objection Book Advances (i)" The sanction order communicated by the Head of Department/Head of Office shall contain the following particulars—

(a) Name of the official (Non-gazetted)

(b) Designation and office in which the person was last working

(c) Last pay drawn (permanent and officiating)

(d) Length of qualifying service

(e) Amount of advance sanctioned

(f) Name of the payee

Copies of the sanction shall be sent to the Audit Office. Heads of Offices will draw the money required on establishment pay bill forms enclosing copy of the sanction and disburse them to the payee(s) specified in the sanction order. The fact of payment of advance in this behalf should be noted in the Last Pay Certificate sent to the Audit Office with the papers relating to the death-cum-retirement gratuity and similar other payments. In cases where submission of L P C has been dispensed with (e.g., under Art 913 (b) C S R, or under the orders contained in the Ministry of Finance No F 25 (22) EV/60 dated the 29th June, 1960 (Order No 1 below Art 913) in the case of payments of anticipatory pensions/gratuities etc.) the fact of the payment of the advance should be indicated in the 'No Demand Certificate' or on page 3 of the pension

application or in the letter forwarding the pension papers to the Audit Officer.

6 Heads of Departments/Office shall see that the advance is adjusted as early as possible, and in any case, within a period of six months from the date of sanction. If the amount of death-cum-retirement gratuity or similar other payment is less than the advance initially sanctioned and if this balance is eventually treated as irrecoverable, the same shall be debited to "57—Miscellaneous (c)—Irrecoverable temporary loans and advances written off" under special orders of Government.

[GIMF, No P. 10(18)-EV(A)/60 dated the 16th December 1960 and No. F. 10(18)-EV(A)/60, dated the 9th February, 1962]

906. All authorities dealing with applications for pension under these Regulations should bear in mind that delay in the payment of pension involves peculiar hardship. *It is essential to ensure, therefore, that an officer begins to receive his pension on the date on which it becomes due.*

907. Every officer shall submit a formal application for pension, in Form 30. An officer should, in his own interest, submit his formal application for pension to the authority specified in Article 911, or 914 as the case may be, one year in advance of the date of his actual or anticipated retirement—

Provided that :

(i) In cases in which the date of retirement cannot be foreseen one year in advance the application shall be submitted immediately after the date of retirement is settled ; and

(ii) An officer proceeding on leave preparatory to retirement in excess of six months, shall submit the application at the time of proceeding on such leave.

NOTE—[This rule is intended to obviate delay in the settlement of claims for pension and to ensure that an officer may not retire under the misapprehension that he has earned a pension which is subsequently found to be inadmissible. There is indeed no limitation on the period after retirement within which an application for pension or gratuity must be submitted, but in the absence of special orders, a pension applied for after the officer has retired begins from the date of application.]

(See also Article 930)

## GOVERNMENT OF INDIA'S ORDERS.

(1) It has been noticed that there is a tendency to postpone submission of formal applications for pension till a late date. This is probably due to the belief that applications if made earlier may prejudice chances of extension of service. This belief is wholly unfounded, because decisions as to extension of service rest entirely on the exigencies of public interest and have no connection at all with applications for pension.

All officers should, therefore, be reminded that subject to provisos (i) and (ii) of this Article, it is in their own interest to submit formal applications for pension as soon as they complete 54 years of age regardless of the possibility of an extension of their service being taken up for consideration at that time or later

Their attention should also be drawn to Art 930 which lays down that apart from special orders, a pension other than a Wound or Extraordinary pension, is payable from the date on which the pensioner ceases to be borne on the establishment, or from the date of his application whichever is later

[G I M F, No F 17(4) EV (C)/61, Dated 29th June 1961 ]

*Expeditious disposal of pension cases*

(2) The revised procedure introduced in 1942, went a long way in ensuring quicker disposal of pension cases, but instances are not lacking where considerable delay still continues to occur in the finalisation of pension cases and in the grant of actual pension, after an officer has retired from service. This question has, therefore, again been subjected to a detailed examination, in consultation with the Comptroller and Auditor General, with a view to seeing that such delays are avoided and to ensure that an officer begins to receive his pension from the date on which it becomes due which is always the objective. As a result of further consideration, the following instructions are issued in regard to some of the points which contribute to the delay in the finalisation of the pension cases —

(i) As soon as a temporary post has become permanent, action should be taken to determine the officer/officers who would count the temporary service rendered in that post for pension under Art 370. Similarly in the case of a temporary service or service in an officiating capacity, it should be verified as soon as an officer has become permanent, what portion of his temporary/officiating service would count for pension under Article 370/371. In all such cases a note should simultaneously be recorded in the Service Book or the History of Services of the officer concerned, over the signature of the Audit Officer, indicating the period or periods which would count for pension under Article 370/371 C S R. This fact should also be noted by the Head of Office in the Annual Establishment Return on the next available occasion. The administrative authorities should initiate action in these matters and should finalise it in consultation with the Audit Officer.

As regards past cases, the administrative authorities should, as soon after the issue of this order as possible undertake a programme of examination of such cases in order to determine whether the temporary/officiating service rendered by an officer would count for pension under Art 370/371 priority being given in the descending order of age. The Heads of Offices/Department should ensure that this programme is duly carried out.

(ii) Though there is no limitation on the period after retirement

within which an application for pension or gratuity must be submitted Art 907 enjoins that an officer should, in his own interest, *submit his formal application for pension six months in advance of the date of his actual or anticipated retirement* The preparation of the service statement and the verification of service begins immediately on receipt of the application It has now been decided that *this period should be extended and that an officer should in his own interest, submit his formal application for pension one year in advance of the date of actual or anticipated retirement* The preparation of service statement etc should also commence immediately on receipt thereof

The papers which should accompany a pension application are detailed in Form 26 C S R On the back of Form 26 are given the *detailed instructions as to the manner in which pension papers are to be completed* The authorities entrusted with the task of preparing pension papers should note these instructions carefully and should prepare the pension papers in as complete a manner as possible *The Heads of Offices/Departments should keep a watch on the progress of all pension cases by obtaining a report about them from their subordinates, month by month, and by insisting on any undue delay being satisfactorily explained* A copy of the report should also be sent to the Audit officer to enable him to make arrangements for the expeditious disposal of any case pending in the audit office

(iii) Instructions have, in the meantime, been issued by the Comptroller and Auditor General to all Audit Officers under him to ensure regular verification of service and proper recording of that fact in the Service Book, as enjoined in paragraph 121 of the General Financial Rules, Volume I The Comptroller and Auditor General has also impressed upon the Audit Officers the imperative need to deal with pension cases at all stages with all possible efficiency and promptitude He has also issued suitable amendments to his Codes and Manuals enjoining specially that the fact of actual recovery of foreign service contributions should be recorded by the Audit Officer in the service records immediately after the return of a Government servant from foreign service In view of this, the administrative authorities should also ensure that foreign service contributions are recovered and that the annual verification of service, as enjoined in paragraph 121 of the General Financial Rules Volume I is carried out regularly The pension cases should also be dealt with by the administrative authorities concerned as expeditiously as possible so as to reduce delay to the minimum

As regards past cases of deputation on the foreign service, the administrative authorities should now verify reference to the relevant records and in consultation with the Audit Officers, if necessary, whether foreign service contributions were recovered If not, steps should be taken to recover the contributions now The cases of persons who have already retired and whose pension has already been sanctioned need not, however, be reopened

NOTE —The procedure laid down in this order is not intended to bring in operation any new type of check. The intention is to speed up pension cases and to complete whatever checks necessary immediately after confirmation instead of postponing these until after retirement of the person concerned. Thus even the cases pertaining to the period prior to the issue of the above order have to be scrutinised and the necessary note recorded under para (i) of this order is to be recorded after the signatures of the Audit Officer.

The expression 'programme of examination' in sub para 1(i) of the order is intended to imply that the past cases for facility of check are to be sent to the Audit Officer in batches according to the phased programme so that work may not get accumulated in the audit office.

As regards the old cases the Audit Officer is to exercise all the requisite checks at the earl<sup>r</sup> stage for recording the certificate wh<sup>ch</sup> he would do in this respect at the time when pension papers are ultimately received after the retirement of the person concerned. This is only to avoid trouble and delay.

[Cr & Ar Genl's UO No 2503 Admn II/424 dated the 23rd November, 1957]

(3) Under Art 907 read with Art 911, 914, 917(a)(i) and 930 of these Regulations, a pension is to be sanctioned only on receipt of a formal application from the Government servant concerned who is also required to furnish a declaration in terms of the note below Art 911. In spite of the specific provisions of Art 907 according to which a formal application for pension has to be made fairly in advance of the date of actual or anticipated retirement, cases have been arising from time to time of Government servants dying immediately or shortly after retirement without having formally applied for pension and a question has been raised whether in such cases pension may be sanctioned up to the date of death of the Government servant concerned and arrears paid to his heirs.

The Government of India have carefully considered the above question and have decided that the authority competent to sanction a pension to the deceased Government servant, had he made a formal application before death may relax the provisions of the Articles of the CSR referred to in paragraph 1 above and sanction pension and/or gratuity to the Government servant from the date of retirement up to and inclusive of the date of his death as if he had made a formal application for the same before retirement, provided that the time-lag between retirement and death does not exceed six months. Cases in which the time lag exceeds six months should, however, be referred to the Ministry of Finance for orders. A pension and/or gratuity sanctioned in accordance with this paragraph may be paid to heirs of the deceased in accordance with the normal provisions of the rules.

[GIMF, No F 7(9) EV/57 dated the 3rd April 1957]

(4) In order No (2) above, the administrative authorities were requested to do their utmost to minimise delay in the finalisation of pension cases, so that the pension might be sanctioned from the date it became due.

2 The instructions contained in order No (2) and the provisions of Article 906 enjoin upon all the authorities dealing with applica-

tions for pension to ensure that an officer begins to receive his pension on the date on which it becomes due, nevertheless cases have been occurring where sanction of pension has been unduly delayed, causing hardship to the individuals concerned

3 Delay in sanctioning pension frequently occurs on account of the preparation of applications for pension not being taken in hand sufficiently in advance of the date of retirement of the officer concerned, and also on account of the preparation and check of such applications being entrusted to persons who do not have an adequate knowledge of the rules regulations and procedural instructions on the subject In several cases, a number of Departments/offices are concerned and the responsibility for finalisation of the cases get consequently diffused and cases are allowed to drift

4 As a further step to minimise delay in such cases, it has been decided that a particular officer in each Ministry should be designated as the officer who will be charged with the responsibility of progressing all pension cases in the Ministry and to whom all cases of delay in the finalisation of pension cases should be reported Such an officer should be furnished with periodical reports regarding all pension cases and the progress thereon from time to time He would contact the Accounts Officers concerned where necessary, with a view to ensuring expeditious disposal of pension cases at that end and would also bring any special cases of delay to the notice of the Secretary in the Ministry concerned with a view to the necessary remedial measures being adopted

It is suggested that whatever convenient, the Officer who is in charge of the O & M work of the Ministry or the work concerned with welfare measures for the staff might be nominated to undertake this function

5 Ministries are also requested to examine the question of similarly designating suitable officers for the purpose in such of the attached and subordinate offices under them which have large establishments under them and in which delay in the finalisation of pension cases is likely to take place

[GIMF, No F (76) EV 57, dated the 1st February 1958]

(5) It is noted with concern that delays are still taking place in the finalization of pension cases Detailed case studies made have revealed the need for additional measures as also the desirability of reiterating the existing instructions The decisions reached are set out in the following paragraphs for the guidance of all concerned

2 *Responsibility for initiating action* In each department and office an officer of appropriate rank should be specially charged with the responsibility for initiating action in due time regarding the completion of pension records and documents As the first step in that direction he should have a list prepared every six months i.e., on the 1st January and 1st July of all officers, gazetted and non gazetted,



who will attain the age of superannuation twelve to eighteen months hence. The attention of every such Government servant should be drawn to the provisions of Arts 907 to 911 C S R and he should be advised to make a formal application for pension at least one year in advance of the date of his anticipated retirement in order to avoid the possibility of any delay in the commencement of his pension. A copy of the list should be sent to the Accountant General concerned Form on page 435)

3 *Form of application for pension* There is at present no form of application for pension. A standard form called Form C S R -30 (Annexure I on page 425) is accordingly being prescribed for the purpose. All applications for pension should in future be submitted in the prescribed form and should be accompanied by the information and documents mentioned therein.

4 *Check List* To ensure that all necessary steps involved in the finalisation of pension cases are taken well in time and simultaneously, a pro forma called 'Check List' and a form of 'Progress Statement' are being introduced (Annexures II and III—see pages 426 to 430). As soon as the list referred to in paragraph 2 has been prepared or an intimation is received about the death of a Government servant a 'Check List' should be started for each such case and the information and documents already available checked up with the pro forma item by item. A note of the items in respect of which complete information is not available should be made in column I of the 'Progress Statement' (Page 430) and necessary steps initiated simultaneously to collect the missing information or to complete the necessary formalities. A watch on their finalisation should be kept by noting the progress made in column 2 of the 'Progress Statement' at weekly or other suitable intervals.

5 *Annual verification of service* (Para 121, G F R Vol I). One of the commonest causes of delay is omission on the part of administrative authorities to verify the service regularly in terms of paragraph 121 of the G F R Vol I. This necessitates references being made to the authorities concerned at the time of the preparation of the pension papers years after the service to be verified was rendered and often leads to delays on account of difficulties in tracing old records etc. To ensure compliance with the instructions in future it has been decided that by the end of April every year, every head of office should furnish to his next superior officer a certificate to the effect that services rendered by all members of non-gazetted staff of his office during the preceding financial year have been verified and certificates of verification recorded in the respective service books.

If, in any case, it is found necessary at the time of retirement to make a reference to more than one authority, a separate verification memorandum should to save time be sent to each authority concerned simultaneously instead of sending the service book itself to them one after the other. On return the verification memoranda can be pasted in the service book against the relevant entries.

**NOTE 1**—[Under para 121(2) of the Compilation of G.F.R. Vol I, when a non gazetted Government servant is transferred from one office to another, the Head of Office under whom he was originally employed should record in the service book under his signature the result of the verification of service, with reference to pay bills and acquittance rolls, in respect of the whole period during which the Government servant was employed under him before forwarding the service book to the office where the services are transferred. It has now been decided that in cases where such transfer also involves permanent transfer of the Government servant from the audit control of one audit officer to that of another, the qualifying service for the purpose of pens on rendered up to the date of the transfer should be got verified and a certificate to that effect recorded in the service book by the audit officer concerned before the service book is forwarded to the office where the services of the Government servant are transferred. This will obviate the necessity of getting the service of the Government servant concerned by two or more audit officers at the time of his retirement, which may cause delay in the finalisation of the pension case.]

The non gazetted service of a permanent gazetted officer should similarly be got verified and certified by the concerned audit officer before his service book is forwarded to the Accountant General concerned as required under para 121(3) of the Compilation of the G.F.R. Vol I.]

[G.I.M.F., No F 38(4) EV/60 dated the 12th March, 1960]

*Delete the above Note*

[G.I.M.F., No F 38(4) EV/60 dated the 21st December, 1962]

**NOTE 2**—[In the case of temporary/officiating employees who are permanently transferred from the audit control of one audit officer to that of another, the position is that a temporary/officiating employee has no qualifying service for pension at his credit until he is confirmed in a permanent pensionable post, and the question of verification of such service in his case does not therefore arise. In such case, the temporary/officiating service rendered up to the time of last permanent transfer of audit control should be got verified and certified by the audit officer(s) concerned soon after confirmation of the officer in a permanent post. Action in this regard should be initiated by the Head of the Office in which the officer concerned is working at the time when the confirmation orders are issued.]

[G.I.M.F., No F 38(4) EV/60 dated the 12th October 1960]

**6 Verification of service by audit** Art 916 C.S.R. lays down that the preparation of the service statement and its verification by the Accountant General concerned shall be taken up six months before an officer is due to retire. It has been decided to raise the period to one year. All Administrative authorities are requested to ensure that these steps are actually taken one year in advance of the date of superannuation and are not postponed till the officer has actually submitted his formal application for pension.

**7 Special Pays** It has been found that the reasons for the grant of special pay are generally not indicated and the question whether the special pay would count for pension or not is not decided simultaneously or soon after the issue of the sanction as required in this Ministry's Office Memorandum No F 11(10) E III/53, dated the 5th March, 1953, No F 12(18) EV/57 dated the 21st June, 1957 (order No 17 on page 195). The importance of scrupulous observance of these instructions is emphasised once again.

**8 Emoluments for the period of leave taken during officiating service** If a Government servant, who is officiating in a higher post or is holding a higher temporary post and would do so for more

than two years up to the date of his retirement takes any leave during the last three years of his service, the question whether he would have continued to hold the higher post if he had not proceeded on leave should be examined and necessary certificate should be recorded by the sanctioning authority at the time of the grant of leave. Such certificates should always accompany the pension papers

9 *Service Books* (i) The service books of permanent non-gazetted Government servants who are officiating as gazetted officers are often found incomplete at the time of their retirement. Under the rules the service book of such a Government servant should remain in the custody of the Head of Office in which he holds a permanent and substantive non gazetted post and entries should continue to be made by that office regularly about any changes in pay, etc. which would have accrued to him had he continued to hold his permanent post. An entry about the date of transfer to the gazetted post will also be made in red ink at an appropriate place across the page and another similar entry about his reversion from gazetted post when it takes place. A full record of the service in the gazetted post itself will be kept and its verification done by the Accountant General concerned. When such a Government servant is confirmed in a gazetted post, his service book should be transferred for custody to the Accountant General concerned, after making an entry about such confirmation.

(ii) The form of service book provides separate columns for 'substantive pay' and 'officiating pay'. The split up of the pay into two elements should always be shown whenever a permanent Government servant is officiating in a higher post.

10 *Recovery of Government dues* Sanctions to pension are frequently delayed pending recovery of any outstanding Government dues, e.g., over issues of pay, allowances or leave salary, outstanding recoveries on account of house rent advances for conveyance, house-building or other purposes, and any other dues the precise amount of which is yet to be assessed.

It is imperative that every effort should be made to settle and recover such dues from the Government servant concerned by the date of his retirement.

However, if any dues remain unassessed and unrealised for any reasons, any of the following courses may be adopted —

(i) The retiring Government servant may be asked to furnish a surety of a suitable permanent Government servant. If the surety furnished by him is found acceptable, the payment of his pension or gratuity or his last claim for pay etc., and the issue of last pay certificate should not be withheld.

A form of the bond to be signed by the surety is enclosed (Annexure IV on page 430)

(ii) If the retiring Government servant is unable or unwilling to furnish a surety, a suitable cash deposit may be taken from him or only such portion of the gratuity as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted.

In all such cases effort should be made to settle the outstanding dues within a period of three months so that the release of the surety or the final payment of the Government servant's dues is not unduly delayed.

NOTE.—[Under the provisions of clause 1 of Article 918 and clause 2 of Article 920 C S R, Audit Officers may issue authority for the payment of pension and gratuity provisionally, not more than a fortnight in advance of the date on which an officer is due to retire.

A question has been raised as to how in such cases any overpayments detected at the time of scrutiny of the Last Pay Certificate, which will be received after the retirement of the officer, are to be recovered if death-cum retirement gratuity has been paid by then.

It has been decided that to cover such contingencies, the Audit Officer will withhold from the gratuity, 10 per cent of the amount of gratuity or Rs. 1000 whichever is less. Officers not entitled to gratuity will be required by the pension sanctioning authority to make a suitable cash deposit, not exceeding Rs 1000 (Rupees one thousand), in any case, before the provisional pension payment order is issued to them.

But in cases in which, under the provisions of paragraph 10 above as amplified by order No (6) below, the officer concerned has furnished a suitable surety or an amount has been ordered to be withheld from the gratuity or the officer has made a suitable cash deposit, no further amount may be withheld from the gratuity by the Audit Officer and the officer will not be required to make an additional cash deposit.

It follows that the fact of a surety furnished in terms of para 10 above should be mentioned in communications forwarding pension applications to the Audit Officer.

[G I M F, No F 17(9) E V (C)/61 dated the 30th September, 1961]

11.

12

13 The Ministry of Home Affairs, etc are requested to circularise these instructions as widely as possible among officers under their administrative control and also to ensure that they are scrupulously observed by all concerned. Superior officers, when inspecting offices, under their control, should also make it a point to satisfy themselves that these instructions are being complied with in practice.

[G I M F, No 7(6) EV/58, dated the 9th March, 1959 as amended from time to time.]

## ANNEXURE I

## \*Form 30 C S R

## FORMAL APPLICATION FOR PENSION

From

To

Subject —Application for sanction of pension

Sir

I beg to say that I am due to retire from service with effect from the my date of birth being I therefore request that steps may kindly be taken with a view to the pension and gratuity admissible to me being sanctioned by the date of my retirement I desire to draw my pension from Treasury

2 I hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service qualifying for this pension and in respect of which pension and/or gratuity is claimed herein nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed hereon

3 I enclose herewith —

( ) two specimen signatures of mine duly attested

( ) two copies of a passport size photograph of mine also duly attested

1( ) two slips each bearing my left hand thumb and finger impressions

(v) two slips each showing part ulars of my height and identification marks

24 My present address is and my address after retirement will

be

(Signature)

Dated

Designation

\*For Form 25 C S R see page 476

1 This is required only in the case of persons who are illiterate and cannot sign their names

2 Any subsequent change of address should be notified to the Head of Office

## ANNEXURE II

## CHECK LIST

## PART I

PENSION/GRATUITY AND DEATH-CUM-RETIREMENT  
GRATUITY

1. Name of the Government servant

2. Date of birth

3. *Date of first appointment to Government service.*

4. If service under Government is not continuous, date from which continuous service commenced

5. Date of retirement,

6. Details of qualifying service :—

From	To	Period y. m d
------	----	------------------

(i) Temporary continuous service qualifying under Rule 7 of the Liberalised Pension Rules.

(ii) Temporary service qualifying under Art 370 or 371 C S R

(iii) Quasi permanent service.

(iv) Permanent service.

Total qualifying  
service \_\_\_\_\_

7. Type of pension applied for (e.g. superannuation, retiring, invalid or compensation pension).

8. Pension rules by which governed.

9. Does a valid option for the above rules exist ?

10. Has the officer completed the prescribed length of qualifying service etc., entitling him to retire on the type of pension applied for ?

11. *Emoluments drawn during the last three years of service.*

(a) (i) Did the officer draw a special pay or a personal pay in any of the appointments held by him during the last three years ?

(ii) If so, do orders of Government exist to count them for pension under Art 486(i) and (j), C S R ?

(b) (i) Was the officer drawing any officiating pay during the last three years counting for pension under Art 486(h), C S R. ?

(ii) If so, has the Audit Officer been consulted about the conditions of the article referred to being satisfied ?

(c) Is the officer entitled to count a portion of his officiating emoluments for pension under Art 487B C S R ?

(d) In respect of any periods of leave taken during the above period, have the necessary declarations from the competent authority been obtained to the effect that had the Government servant not proceeded on leave he would have continued to draw the emoluments mentioned at (a), (b) and (c) above ?

(e) Average emoluments counting for pension

(f) Emoluments counting for gratuity/death cum retirement gratuity.

12. (a) *Verification of service :*

(i) Does the service book contain the annual certificates of benefit of service ?

(ii) Has the Audit Officer recorded the necessary certificates of verification on the second page of Form C S R 25 ? (Art. 915(a) (i) C.S R )

(b) *Verification of any "unverified" portions of service*

In respect of service not verifiable from service records—

(i) Has the service in another office/other offices been attested by the head(s) of the office (s) concerned ?

(ii) In the absence of the necessary attestation, has the statement of the applicant and the collateral evidence been obtained and accepted by the competent authority ? (Art 915(a) (iv), C.S R )

13 *Foreign Service*

(i) Was the officer ever in foreign service ? If so, where and for what period or periods ?

(ii) Have pensionary contributions in respect of the periods of foreign service been duly recovered ?

14 *Military Service*

(i) Does the officer have any periods of military/War service to his credit ?

(ii) If so, the details thereof and the extent to which they qualify for civil pension (vide Articles 356, 357, 357D, etc., C.S R )

15 *Suspension*

Was the officer ever under suspension and do orders already exist regarding the counting of the period(s) of suspension for purposes of pension ?

16 *Leave*

Periods of leave with allowances or without allowances, if any, which do not count for pension (vide Articles 407 and 408 C.S R.)

17 *Documents to be forwarded*

Is the list of enclosures referred to in Form 26 C.S R. complete ?

18. (i) Are any Government dues of the categories (a) to (d) below recoverable from the Government servant ? If so, steps taken to recover them

(a) Overdrawn pay and allowances

(b) any advances (e.g., motor car advance) out standing

(c) arrears of house rent

(d) miscellaneous

(ii) Have steps been taken to recover from the Government servant (a) any livers issued to him, (b) C H S Card (c) Identity Card, (d) Secret Box keys, or (e) Library books ?

19 Formalities to be observed for the grant of pension/gratuity other than superannuation pension/gratuity —

(a) *Compensation pension/gratuity*

(i) Was the permanent post held by the Government servant abolished ?

(ii) Was any equivalent post not offered ?

(b) *Invalid pension/gratuity*

Has the certificate in the form prescribed under Art 442, C.S R. been obtained ?

(c) *Retiring pension/gratuity*

(i) If the officer is governed by Art 465/465A C.S R., has the resignation of the officer been accepted by the competent authority/have orders of retirement been passed by the appropriate authority after following the prescribed procedure ?

(ii) If the officer is governed by the Liberalised Pension Rules was the requisite notice of 3 months given to the officer by the appropriate authority/did the officer give the requisite notice of 3 months vide para 2(2) of the (Liberalised

Pension Rules in Vol II) Finance Ministry O M No 3(1) Est (Spl)47, dated the 17th April, 1950 ]

20 Amount of pension admissible

21 Amount of gratuity/death cum retirement gratuity admissible

## PART II

### DEATH CUM RETIREMENT GRATUITY/FAMILY PENSION

(To be used where death takes place while in service)

#### SECTION A

1 Name of the Government servant

2 Date of birth

3 Date of first appointment to Government service

4 Date of death

5. Is proof of death in the form of a death certificate issued by municipal authorities etc available? (Proof of death to be insisted upon in case of doubt only)

#### SECTION B—D C R. GRATUITY

6 Is it clearly established that the officer had completed 5 years' qualifying service or more at the time of his death?

7 Does a valid nomination in respect of the death cum retirement gratuity exist *vide* para 4(2) of the (Liberalised Pension Rules) Ministry of Finance O M No F 3(1) Est (Spl)47, dated 17th April 1950 ]?

8 If so, the name of the nominee/nominees and his/her/their relationship to the deceased Government servant

9 If no valid nomination exists names of the members of the family to whom the gratuity will be payable in equal shares and their respective relationships to the deceased Government servant (*vide* the Ministry of Finance O M No 29(5) EV/57 dated the 19th February, 1957) (Refer to paragraph 4(2) of the Liberalised Pension Rules in Volume II)

10 Has intimation in the form prescribed been sent calling for a formal claim for the death cum-retirement gratuity?

11 If so has an application in Form 'H' been received?

12 Emoluments of the officer on the date of his death

13 Amount of death cum retirement gratuity admissible

#### SECTION C-FAMILY PENSIONS

14 Had the Officer completed

(a) not less than 20 years' qualifying service on the date of his death, or

(b) less than 20 years' qualifying service but not less than 10 years' qualifying service on the date of his death?

15 If the case falls under item 14(b), has the special sanction of Government been secured to the grant of family pension to the family *vide* para 7 of the Ministry of Finance O M No 20(2) EV/56 dated the 22nd May, 1957? (See below para 5 of Liberalised Pension Rules in Vol II)

16 Does a valid nomination in respect of the family pension exist *vide* para 5(6) of the (Liberalised Pension Rules) Ministry of Finance O M No 3(1) Est (Spl)47 dated the 17th April, 1950?

17 If so the name of the nominee and his/her relationship to the deceased Government servant?



18 Has intimation regarding the admissibility of family pension been sent to the person entitled to it?

19 If no valid nomination exists, the persons to whom family pension is payable and his/her relationship to the deceased Government servant *vide* para 5(5) of the (Liberalised Pension Rules) Ministry of Finance O M No 3(1) Est (Spl)/47, dated the 17th April, 1950

20 Has the application in Form 'F' been received?

21 Date from which family pension is to take effect and period for which and the date up to which it will be tenable *vide* para 5(1) (a) of the Ministry of Finance O M No F 3(1) Est (Spl)/47 dated the 17th April, 1950, as substituted by para 5 of O M No F 20(2) EV/56, dated the 22nd May, 1957

22 Amount of family pension admissible *vide* para 5(2) of the Ministry of Finance O M No F 3(1) Est (Spl)/47 dated the 17th April, 1950 as substituted by para 5 of the O M No F 20(2) EV/56, dated the 22nd May, 1957 (Refer to Liberalised Pension Rules)

### PART III

#### DEATH CUM RETIREMENT GRATUITY/FAMILY PENSION

(To be used where death takes place after retirement)

#### SECTION A

1 Name of the Government servant.

2. Date of retirement

3 Date of death Is proof of death in the form of a death certificate issued by municipal authorities etc available?

4 Date from which pension took effect

5 Amount of pension/gratuity sanctioned on retirement.

6 Amount of death *cum* retirement gratuity sanctioned on retirement.

7 Total amount drawn/admissible by way of pension and gratuity till the date of death

8 Whether any portion of the pension had been commuted?

#### SECTION B—RESIDUARY GRATUITY

9 Is the family of the deceased pensioner eligible for the payment of difference between 12 times the emoluments of the deceased pensioner and the amount shown against item No 7 *vide* para 3 (4) of the Ministry of Finance O M No F 3(1) Est (Spl)/47, dated the 17th April, 1950? (Liberalised Pension Rules)

10 If so, does a valid nomination in respect of death-cum-retirement gratuity exist *vide* para 4(2) of the Ministry of Finance O M No F 3(1) Est (Spl) 47, dated the 17th April, 1950?

11 Name of the nominee/nominees and his/her their relationship to the deceased Government servant

12 If no valid nomination exists, names of the members of the family to whom the residuary gratuity will be payable (in equal shares) and their respective relationships to the deceased pensioner (*vide* Ministry of Finance O M No F. 20(5) EV/57, dated the 19th February, 1957)

13 Had intimation in the prescribed form been sent calling for a formal claim for the residuary gratuity?

14 If so, has an application in Form 'H' been received?

## SECTION C—FAMILY PENSION

15 Is the family of the deceased pensioner eligible for family pension in terms of para 5(1) (b) of the Ministry of Finance O M No F 3(1) Est (Spl)/47, dated the 17th April, 1950 as substituted by para 5 of O M No F 20(2)—EV/56, dated the 22nd May, 1957 ?

16 If so does a valid nomination in respect of family pension exist *vide* para 5(6) of the Ministry of Finance O M No F 3(1) Est (Spl)/47, dated the 17th April, 1950 ?

17 If so name of the nominee and his/her relationship to the deceased Government servant

18 If no valid nomination exists the person to whom family pension is payable and his/her relationship to the deceased pensioner *vide* para 5(3) of the Ministry of Finance O M No F 3(1) Est (Spl)/47, dated the 17th April, 1950

19 Has intimation regarding the admissibility of family pension been sent to the person/persons entitled to receive it ?

20 If so has an application in Form 'F' been obtained ?

21 Date from which family pension is to take effect and period for which and the date up to which it will be tenable *vide* para 5(1) (b) of the Ministry of Finance O M No F 3(1) Est (Spl)/47 dated the 17th April 1950 as substituted by para 5(2) of O M No F 20(2) EV/56, dated the 22nd May, 1957

22 Amount of family pension admissible (*vide* para 5(2) of the Ministry of Finance O M No F 3(1) Est (Spl)/47 dated the 17th April, 1950 as substituted by para 5(2) of O M No F 20(2) EV/56 dated the 22nd May, 1957

## ANNEXURE III

## PROGRESS STATEMENT

Item No	
of the Check List	Action taken
	Position as on
	Position as on
Item No	
of the Check List	Action taken
	Position as on
	Position as on

## ANNEXURE IV

## FORM OF SURETY BOND

In consideration of the President of India, (hereafter called the 'Government' which expression shall include his successor and assigns) having agreed to settle the final accounts of Shri/Shrimati \_\_\_\_\_ without production of a No Demand Certificate from the Director of Estates and the New Delhi Municipal Committee/Delhi Municipal Corporation I \_\_\_\_\_ hereby stand surety (which expression shall include my heirs executors Administrators legal representatives and assigns) for payment by the said \_\_\_\_\_ of rent and other dues in respect of the residence now allotted to him/her by Government and also for any \_\_\_\_\_ From time to time by Government

I the surety further agree and undertake to indemnify the Government against all loss and damage until delivery of vacant possession of the above-said residence is made over to the Government

I hereby also stand surety for any amounts that may be due by the said to Government by way of overpayment of pay, allowances, leave salary, advances for conveyances, house building or other purposes for any amounts which may be paid or payable by Government under or in respect of any guarantees given by Government on behalf of the said or any other dues whatsoever of the Government

The obligation undertaken by me shall not be discharged or in any way affected by any extension of time or any other indulgence granted by the Government to the said and the Government shall have the fullest liberty without affecting the guarantee to postpone for any time and from time to time any of the powers exercisable by it against the said and either to enforce or forbear any of its rights against the said and I will not be released from the liability under this guarantee by any exercise of the Government of the liberty with reference to the matter aforesaid, or by reason of any other forbearance act of omission on the part of the Government or any indulgence by the Government to the said or by any other matter or things whatsoever which under the law relating to sureties shall, but for this provision, have the effect of so releasing me from my such liability.

This guarantee shall remain in force till

(i) The 'No Demand Certificate' is issued by the Director of Estates in favour of the said

(ii) The Head of Office in which the said was last employed and in case he/she was drawing pay and allowances on Gazetted Government servants bill forms the concerned audit officer has certified that nothing is now due to the Government from the said, and

(iii) The 'No Demand Certificate' is issued by the Delhi Municipal Corporation/New Delhi Municipal Committee in favour of the said in respect of water and electricity dues in case Government had given a guarantee for these dues on behalf of the said

The stamp duty on this instrument shall be borne by the Government

Signature of the Surety,

Signed and delivered by the  
and surety at this  
day of  
in the presence of

- 1 Signature  
Address and occupation of witness
- 2 Signature  
Address and occupation of witness

Certified that Shri Shrimati  
servant

is a permanent Government

Signature of the Head of the  
Department or the Office in  
which the Surety is employed

The above bond is accepted.

(Signature and designation)  
for and on behalf of the  
President of India

[G I M F No P 7 (6) EV/58 dated the 18th September, 1961 as amended by even No dated the 3rd November 1961]

(6) In a case where any Government dues remain unassessed and unrealised on the date of retirement of a Government servant, any of the following courses may be adopted —

(f) The retiring Government servant may be asked to furnish a surety of a suitable permanent Government servant. If the surety furnished by him is found acceptable, the payment of his pension or gratuity or his last claim for pay etc. and the issue of last pay certificate should not be withheld.

(if) If the retiring Government servant is unable or unwilling to furnish a surety, a suitable cash deposit may be taken from him or only such portion of the gratuity as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted.

In this connection it is considered desirable that the amounts which the retiring Government servants are asked to deposit or those which are withheld from the gratuity payable to them are not disproportionately large and that such amounts are not withheld or the sureties furnished are not bound over for unduly long periods. To that end it has now been decided that the following principles should be observed by all the concerned authorities :—

(a) The cash deposit to be taken or the amount of gratuity to be withheld should not exceed the estimated amount of the outstanding dues *plus* 25% thereof. In cases where it is not possible to estimate the approximate amount recoverable from the retired Government servant the deposit to be taken or the portion of gratuity to be withheld should be limited to 10% of the amount of death-cum retirement gratuity or Rs. 1,000 whichever is less.

(b) Efforts should be made to assess and adjust the recoverable dues within a period of 3 months from the date of retirement of the Government servant concerned. In any case the cash deposit taken or the amount withheld from gratuity should not be held back or the surety bound over beyond a period of two years after retirement of the Government servant. After lapse of the period of two years, the dues assessed up to that time should be adjusted against the cash deposit taken or the amount withheld from gratuity, if any, and the balance released to the pensioner. Similarly in cases where the pensioner had furnished a surety, the surety should be released after lapse of a period of two years from the date of retirement of the Government servant concerned, after recovering the dues assessed up to that time.

(c) If some dues recoverable from a retired Government servant come to light more than two years after his retirement, by which time normally the surety would have been released or the cash deposit or the amount withheld from gratuity would have been refunded the question whether recovery of the irrecoverable amount should be waived or the recovery made from the Government servant responsible for not assessing and effecting the recovery in the time, should be considered on merits.

[G I M F, No 7(6) EV/58 dated the 24th February, 1960]

NOTE —(A question has been raised about the head of account to which the cash deposits obtained from retiring Government servants to cover the outstanding dues should be credited.

The matter has been considered in consultation with the Budget Division of Finance Ministry and it has been decided that the said cash deposit should be classified under a new minor head 'Cash Deposits by retiring Government servants' opened for the purpose under "T Deposits and Advances—Part II—Deposits not bearing interest—Departmental and Judicial Deposits—Civil Deposits". The accounting procedure indicated above has been laid down by the Comptroller and Auditor General under Art 150 of the Constitution with the approval of the President.

[G I M F, No 7(6) EV/58, dated the 13th December, 1962]

(7) As a further step to cut down delays in the finalisation of pension cases and to simplify the pension procedure it has been decided that the practice of issuing formal letters of sanctions to pensions should be discontinued. Under the revised procedure the pension sanctioning authority will record his orders in the Third Page of the Application for Pension (Form C S R 25 see page 478), before forwarding it to the Audit Officer. After due verification, the Audit Officer will issue the necessary Pension Payment Order on the authority of the orders recorded by the pension sanctioning authority in the pension application.

Normally applications for pension in Form C S R 25 will be forwarded by the administrative authorities to the Audit Officers sometime before date of retirement of the officers concerned. In such cases a portion of qualifying service at the end will remain unverified at the time of issue of the Pension Payment Order by the Audit Officer, and as such pension will be authorised by the Audit Officer only provisionally. In these cases the pension sanctioning authorities will be responsible for sending to the Audit Officer a further report as to the satisfactory service rendered by the officer for the remaining period as also for reporting to him the occurrence of any event which has a bearing on the amount or payment of pension within a week of the date on which the officer retires. In this connection attention is invited to the provisions of Article 920 (2) C S R.

The new procedure outlined above, will come into force with immediate effect. However, cases in which applications in Form C S R 25 have been forwarded to the Audit Officers before the 1st April, 1960, should be finalised in accordance with the procedure hitherto in force.

Para 10 of the order of the 8th March, 1959 (see order No (5) above) lays down the procedure to be followed in cases where some Government dues are outstanding against a pensioner. In this connection attention is invited to the instructions contained in the orders dated the 24th February, 1960 (see order (6) above).

[G I M F, No T 38(5) EV/60, dated the 25th March, 1960]

NOTE 1—[According to Government of India's order above the pension sanctioning authority records his orders in the Third page of the Application for Pension before forwarding it to the Audit Officer, and the latter after due verification, issues the necessary Pension Payment Order. A doubt has arisen as to the basis on which the Pension Payment Order should be issued in cases where the pension found admissible by audit is less than the pension found

admissible by the competent authority or *vice versa*. It is accordingly clarified that since the pension sanctioning authority merely conveys its orders for the grant of full pensions and/or gratuity as admissible under the rules or indicates the amount or percentage by which the full pension or gratuity should be reduced, the Pension Payment Order should be issued on the basis of the amount calculated and accepted by the Audit Officer.]

[G I M F., No F 24(66) EV/80 dated the 28th April, 1961]

NOTE 2 [Instances have come to the Government's notice in which the amount of pension/gratuity etc. required revision after the orders of pension sanctioning authority were recorded on Page Three of the Application for Pension consequent on refixation of pay on an option exercised by the officers concerned in favour of the revised scales of pay under the Central Civil Service (Revised Pay) Rules 1960]

2 In this connection attention is invited to the order in Note 1 above. According to this the pension sanctioning authority conveys only its orders for the grant of full pension and/or gratuity as admissible under the rules or indicates the amount of percentage by which the full pension or gratuity should be reduced. But the Pension Payment Order is issued on the basis of the amount calculated and accepted by the Audit Officer. The question is whether it is necessary to obtain fresh orders of the pension sanctioning authority in cases of the type referred to in para 1.

3 It is accordingly clarified that since the subsequent changes in average emoluments and retirement benefits do not affect the earlier orders of pension sanctioning authority it is not necessary to obtain its orders again. It will be enough if audit is informed about the changes in average emoluments and their effects on retirement benefits by means of a letter, with which should accompany a copy of the orders of revision of pay.]

[G I M F., No 17(10) EV (C) 61 dated the 15th December, 1961]

(8) With reference to para 2 of the Ministry of Finance, Office Memorandum No F 7(6) EV/58, dated the 8th March, 1959 (order No 5 on page 420) every Office/Department has to prepare a list every six months on the 1st January and 1st July in respect of all officers, gazetted and non gazetted, who will attain the age of superannuation twelve to eighteen months hence, with a view to initiating action in due time regarding the completion of pension records and documents. A proforma in which the said list should be prepared and sent to the concerned Audit authorities is enclosed for the guidance of all concerned.

2 Copies of the above mentioned lists prepared as on the 1st January and 1st July of every year should be sent to the Audit authorities not later than 31st January and 31st July, respectively of the same year.

[G I M F., No 7(6) EV/58 dated the 4th May, 1960]

**LIST OF OFFICERS EMPLOYED IN THE OFFICE/DEPARTMENT—  
AS ON 1ST JANUARY 19 /1ST JULY 19 , WHO ARE  
DUE FOR SUPERANNUATION BETWEEN 1ST  
JANUARY TO 30TH JUNE/1ST JULY TO  
31ST DECEMBER OF THE NEXT  
OFFICIAL YEAR**

(To be sent to the concerned Audit authorities by the 31st January/31st July at the latest)

Serial No	Name of Officer	Date of birth	Appointment held in Officiating capacity scale of pay etc	Appointment held in substantive capacity, scale of pay, etc	Date of superannuation	If on extension of service, the date of expiry of the present extension	The No and date of communication under which attention of the officer has been invited to Arts 907 to 911 C.S.R	Whether the Officer has made a formal application for pension, if so, the date of receipt of such application
1	2	3	4	5	6	7	8	9

(9) With reference to the Finance Ministry's Office Memorandum No. F 38(5) EV/60 dated the 25th March, 1960 (order No (7) above) it has been further decided that the practice of issuing formal letters of sanction for the grant to the family of a deceased officer of death-cum-retirement gratuity/residuary gratuity and family pension [in cases other than those falling under paras 1 and 2 of Finance Ministry's Office Memorandum No F 20(2) EV/56 dated the 22nd May, 1957 (See G I order (1) below para 5 of Liberalised Pension Rules in Vol. II) where the Government sanction is necessary], should be discontinued. Henceforth, instead of issuing a formal letter of sanction to gratuity/family pension after receipt of audit report, the pension sanctioning authority will record its final orders on the application for gratuity/family pension before forwarding it to the Audit Officer for verification. As a result of the above order, the procedure for the sanction and payment of death-cum-retirement gratuity/residuary gratuity and family pension (in cases other than those falling under paras 1 and 2 of the Office Memorandum dated the 22nd May, 1957) will now be as follows —

On receipt of an application (Form 'H') for death cum-retirement gratuity/residuary gratuity and Form "I" for family pension (see *Liberalised Pension Rules Vol II Forms at the end*) the Head of the Office Department will draw up a statement of service of the deceased officer in the Second Page of Form 25. The statement of services along with the order of the pension sanctioning authority (in Forms given as Annexures I and II) on the application together with other relevant documents will be forwarded to the Audit Officer. After

due verification, the Audit Officer will authorise the payment of the amount of death cum-retirement gratuity/residuary gratuity and/or issue the family pension payment order on the authority of the orders recorded by the pension sanctioning authority

2 The new procedure outlined above will come into force with immediate effect. However, cases which have been forwarded to the Audit Officers before the date of issue of this order should be finalised in accordance with the procedure hitherto in force

[G I M F, No. F 38 (5) EV/60, dated the 1st September, 1960 and even Nos. dated the 7th April, 1961 and the 31st December, 1961]

NOTE —[In accordance with the provisions of part (B) of Annexure II below (on page 437) the sanctioning authority while conveying sanction for family pension has to indicate the exact amount of family pension and the period of currency of the same. A doubt has arisen as to the basis on which Family Pension Payment Order should be issued in cases where the family pension found admissible by the audit is less than the pension found admissible by the competent authority or vice versa. It has accordingly been decided that Family Pension Payment Order should be issued on the basis of the amount/period of currency calculated and accepted by the Audit Officer]

[G I M F, No. F 38 (5) EV (60) dated the 30th June, 1962]

#### ANNEXURE I

##### (A) Remarks by the Receiving Authority

- 1 As to character and past conduct of the deceased officer
- 2 Exp. ation of any suspension or degradation
- 3 Regarding any gratuity already received by deceased officer (See Chapter XXI)
- 4 Any other remarks

5 Specific opinion of the Receiving Authority whether the service claimed is established and should be admitted or not

[See Articles 912 (iv) and 917 (a) (ii) C S R.]

##### (B) Order of the Sanctioning Authority

(a) The undersigned having satisfied himself that the service of the late Shri/Shrimati/Kumari has been thoroughly satisfactory, hereby orders the grant of death cum retirement gratuity/residuary gratuity which may be accepted by the Accountant General as admissible under the rules, to the persons mentioned in clause (c) below

or

(a) The undersigned having satisfied himself that the service of the late Shri/Shrimati/Kumari has been thoroughly satisfactory hereby orders that the death cum retirement gratuity/residuary gratuity, which may be accepted by the Accountant General as admissible under the rules to the persons mentioned in clause (c) below, shall be reduced by the specified amount or percentage indicated below

Amount or percentage of reduction in gratuity.

(b) A sum of Rs. \_\_\_\_\_ on account of \_\_\_\_\_ is to be held over from the death cum retirement gratuity/residuary gratuity till the outstanding dues are assessed and adjusted

(c) Name of the person	Address	Relationship with the deceased officer	Amount of death-cum retirement gratuity
------------------------	---------	--	---



*This order is subject to the condition that should the amount of gratuity as authorised by the Accountant General be afterwards found to be in excess of the amount to which the person concerned is entitled under the rules, he/she will be called upon to refund such excess*

*(d) The death cum retirement gratuity/residuary gratuity is payable at Treasury/Post Office and is chargeable to*

Date

Signature and designation of the  
Sanctioning Authority

NOTE —[In the case of residuary gratuity, the service of the deceased officer would have already been verified and the expression 'having satisfied thoroughly satisfactory' in clause (a) above would not be used]

*(C) Audit enforcement.*

1 Total period of qualifying service which has been accepted for the grant of death-cum retirement gratuity/residuary gratuity with reasons for disallowances if any, other than disallowances if any of service the reasons for which are recorded by the Audit Officer in the Second Page

NOTE —[Service for the period commencing from and up to the date of retirement has not yet been verified this should be done before the Pension Payment Order is issued]

2 Amount of death-cum retirement gratuity/residuary gratuity that has been admitted

3 Amount of death-cum retirement gratuity/residuary gratuity admissible after taking into account the reduction in gratuity made by the authority sanctioning such gratuity

4 The amount of death-cum retirement gratuity is payable to the nominee /the following members of the family of the deceased in equal shares/proportionately as shown below —

(i)

(ii)

(iii)

(iv)

5 Head of account to which the death-cum retirement gratuity/residuary gratuity is chargeable

Accountant General

## ANNEXURE II

*(A) Remarks by the Receiving Authority.*

1 As to character and past conduct of the deceased officer

2 Explanation of any pension or degradation

3 Regarding any pension already received by deceased officer (See Chapter XXI)

4 Any other remarks

5 Specific opinion of the Receiving Authority whether the service claimed is established and should be admitted or not

[See Articles 912 (ii) and 917 (a) (ii) C S R ]

(B) *Order of the Sanctioning Authority*

The undersigned having satisfied himself that the service of the late Shri/ Shrimati/Kumari has been thoroughly satisfactory hereby orders the grant of family pension to Shri/Shrimati/Kumari .. , (here state relationship) of the said late Shri/Shrimati/Kumari , which may be accepted by the Accountant General as admissible under the rules

or

The undersigned having satisfied himself that the service of the late Shri/ Shrimati/Kumari has not been thoroughly satisfactory, here by orders that the family pension which may be accepted by the Accountant General as admissible under the rules to Shri/Shrimati/Kumari (here state relationship) of the said late Shri/Shrimati/Kumari shall be reduced by the specified amount or percentage indicated below —

Amount or percentage of reduction in family pension This order is subject to the condition that should the amount of family pension as authorised by the Accountant General be afterwards found to be in excess of the amount to which the person concerned is entitled under the rules he/she will be called upon to refund such excess

The family pension is payable at chargeable to

Treasury/Post Office and is

Signature and Designation of the  
Sanctioning Authority

NOTE —[In cases where death takes place after retirement, the service of the deceased officer would have already been verified and the expression 'having satisfied thoroughly satisfactory above would not be used

(C) *Audit enforcement*

1 Total period of qualifying service which has been accepted for the grant of family pension with reasons for disallowances if any, other than disallowances if any of service the reasons for which are recorded by the Audit Officer in the Second Page (See page 478)

NOTE —[Service for the period commencing from and up to the date of retirement has not yet been verified this should be done before the Pension Payment Order is issued ]

2 Amount of family pension that has been admitted

3 Amount of family pension admissible after taking into account the reduction in pension made by the authority sanctioning pension

4 The family pension is payable to Shri/ Shrimati/Kumari son widow/ daughter of the deceased and is tenable for the period from to or up to the date of death/marriage or remarriage (in the case of a female member), whichever event occurs earlier

5 Head of account to which the family pension is chargeable

Accountant General

[G] M F, No F 38(5) EV/60 dated the 1st September, 1960 and even Nos. dated the 7th April, 1961 and the 31st December 1962.]

(10) It has been decided to do away with the distinction made in para 10 of the order dated the 8th March, 1959 above (see order No (5) on page 420) between pre 1938 entrants who elected the option at para 1(c) of Government of India's order No (1) below para 9 in the Liberalised Pension Rules Vol II and others. Accordingly in the case of the former class of Government servants also a portion of the gratuity as may be considered sufficient may be held over till the outstanding dues are assessed and adjusted, in case a surety as provided in sub para (i) or a suitable cash deposited under sub para (ii) as the case may be is not forthcoming

[G I M F No 7(6) EV/58 dated the 24th June, 1959]

908. The Audit Officer shall send to every Gazetted Officer a copy of Articles 907 to 911 one year in advance of the date on which the officer attains his age of superannuation, or as soon as possible before the date from which he has formally sought permission to retire, if earlier, with the remarks that there is likely to be delay in the commencement of his pension if he does not submit formal application as soon as the rules permit

### AUDITOR GENERAL'S ORDER

This Article was specially introduced along with the general revision of Chapter XLVII of the CSR in 1942 with the specific object of ensuring that pensions are sanctioned in time to enable retiring officers to begin to draw their pension as soon as it falls due and preventing hardship to the pensioners concerned consequent on delays in finalization. Of late, there has been an increasing number of complaints regarding delays in finalization of pension cases and some questions have also been asked in Parliament in this connection. The requirements of this Article have, therefore assumed a special significance. The provisions of the Article should be strictly complied with so long as it is in force, even though it may be considered as imposing on the Audit Officer a basically executive responsibility

Apart from asking for a strict compliance with this Article, the Comptroller and Auditor General would like to take this opportunity to impress once again on the Heads of Accounts Offices and their Officials the imperative need to deal with pension cases at all stages with all possible efficiency and promptitude. This need is all the greater in the case of claim of non gazetted and other subordinate officials who may have no easy access to the higher officials

[Cr & Ar G n's letter No 262 Admn II/1-Admn 1/51 dated the 2nd March 1953]

909 Questions affecting the pension or pensionable service of an officer which for their decision depends on circumstances known at the time shall be considered as soon as they arise

Any question which for their decision depends on possible circumstances that may arise in future or on hypothetical conditions may be

raised or discussed as soon as the permissible period for submission of formal application for pension under Article 907 begins.

910. Except in cases covered by the first sentence of the preceding Article or in individual cases under specific orders of the Government of India or the Local Government, an Audit Officer may not give advice upon any questions connected with the claim of an officer to pension until the permissible period prescribed in Article 907 for the submission of formal application for pension begins.

#### AUDITOR GENERAL'S ORDER.

The advice given by an Audit Officer under the provisions of this Article to a Government servant who proposes to proceed on leave preparatory to retirement and who desires information regarding his claim to pension should be as authoritative as it would be if it were given in a pension report on the application of a Government servant who has actually retired from service. It is, therefore, essential that the material necessary for a report on pension should in these cases be prepared and on the basis of that material a formal and binding report made.

[Ar. Genl.'s letter No 516-Admn 177 35, dated the 11th December, 1935, Paragraph 446 of the India Supplement]

#### SECTION II—APPLICATIONS

##### A—Gazetted Officers

911. A Gazetted officer shall submit a formal application for pension to the Head of the Department. If the officer is himself the Head of the Department, he shall submit the application in Form 25 direct to the Local Government, no formal application being necessary.

#### AUDITOR GENERAL'S ORDER.

(1) In accordance with the procedure laid down in this Article, an officer of the Indian Audit and Accounts Service will submit his formal application to the office of the Comptroller and Auditor General in the first instance. That office after filling in the Third Page of the Pension Application (C S R Form 25) will forward it to the office of the Accountant General, Central Revenues, for certificate and report as to the amount of pension admissible. The application will then be resubmitted to the office of the Comptroller and Auditor General for his sanction.

[Ar. Genl.'s letter No 2769 E/892 23 dated 10th June, 1924 Paragraph 447 of the India Supplement]

(2) Since the date from which the grant of family pension is to take effect is invariably specified in the sanction by the sanctioning authority, the production of the Last Pay Certificate is not necessary in the case of family pension under Extra ordinary Pension Rules. The provisions of rule below para 155 of the Audit Manual would

*not therefore be applicable in such cases. This order will also apply in the case of family pensions granted under the Liberalised Pension Rules*

[Cr & Ar Genl's letter No 867 Admn II/49 Admn 1/54 dated the 10th July 1954]

912 †(i) The authority receiving the formal application in Form 30 shall immediately draw up the application in Form 25 in accordance with the instructions embodied in Form 26. Even where the formal application has not been received the Head of the Department shall draw up the application in Form 25 as soon as it becomes known that an officer is due to retire within one year or has proceeded on leave preparatory to retirement and shall not delay it till the officer has actually submitted the formal application for pension. In the latter case entries against items 14, 16, 17 and 18 on the First Page of Form 25 shall not be filled up at the initial stage. The relevant entries shall be made soon after the formal application is received. However if by the time the formal application is received the application in Form 25 has already been sent to the Audit Officer the formal application shall immediately be forwarded to the Audit Officer who will complete the necessary entries.

†[G I M F No F 17 (4) EV (C)/61 dated the 30th June 1961]

(ii) He shall certify on Page Three of the Form whether the character, conduct and past services of the applicant are such as to entitle him to the favourable consideration of Government. He shall also record there his own opinion whether the service claimed has been established and should be admitted or not.

(ii) All periods of leave, suspension etc. which are not reckoned as service should be carefully recorded on the Form.

(iv) If the application is for an invalid pension, requisite medical certificate shall be attached to the application.

NOTE.—If the medical examination of the applicant was not conducted on the date on which he ceased to perform duty, the authority competent to sanction the pension may accept a medical certificate bearing a later date.

913 (a) After completing the application in the manner prescribed in the preceding Article, it should be forwarded along with the necessary documents to the Audit Officer with a forwarding letter in Form 26 through the authority empowered to sanction the pension.

(b) If the applicant for pension (not gratuity) is no longer in active service, a last pay certificate shall be attached to the application except when he retires from service while on leave out of India and draws his leave salary at or through the Home Treasury and also desires to draw his pension from the same source.

(c) The Local Government, the Heads of Department or any other authority competent to fill the post vacated by the retiring officer shall be competent to sanction pension. Such authority shall after due consideration of the facts of the case and having due regard to

the provisions of Article 470, record on the application his orders as to whether the service has been satisfactory and is approved for grant of the full pension admissible under the rules, or whether the service has not been thoroughly satisfactory and what reduction should for that reason be made from the full pension or/and gratuity admissible under the rules. †The pension sanctioning authority shall keep a copy of the application before forwarding the same to the Audit Officer.

†[G I M F, No. F. 17 (9)-EV/(C) 61, dated the 30th September, 1961]

NOTE —[Notwithstanding anything contained in this clause, the Comptroller and Auditor General shall be the authority competent to sanction pension of officers of the Indian Audit and Accounts Service]

[G I M F, No. F. 4 (18)-EV (C)/61, dated the 16th March, 1961.]

(d) In the case of an officer part of whose service has been rendered in non-gazetted posts, the Service Book and the statement of non-gazetted service in the Second Page of Form 25, duly verified by the Audit Officer under the provisions of Article 915, shall also accompany the pension papers sent to the Audit Officer.

(e) The pension sanctioning authority has the special responsibility of ensuring that the application in Form 25 with his orders is sent to the Audit Officer in time enough to enable him to issue the Pension Payment Order not later than the date on which the officer is due to retire.

## GOVERNMENT OF INDIA'S ORDER.

When a pension application in Form No. 25 is forwarded to the Audit Officer, it is to be accompanied by a Last Pay Certificate if the applicant for pension is no longer in active service [*vide* Article 913 (b) CSR and item 5 of the List of Enclosures in Form No. 26 C.S.R.]. In other cases the Last Pay Certificate is furnished to the Audit Officer later separately, to enable him to authorise the payment or release of pensions as laid down in Art. 184 of the Audit Code. In practice the Audit Officers insist on the production of the Last Pay Certificate not only before payment of final pension, but also before payment of anticipatory pension, anticipatory gratuity and commuted value based on anticipatory pension. Insistence on the production of Last Pay Certificates before anticipatory payments, more often than not results in delays in making these payments, thereby defeating the very purpose which such anticipatory payments are intended to serve, namely, to provide immediate interim relief to the pensioners soon as hea retired and before his pension is finally sanctioned. To obviate hardship resulting from such delays, it has been decided by the Government, in consultation with the Comptroller and Auditor General, that from now on, the Audit Officer will not ask for the Last Pay Certificates before making or authorising payment of anticipatory pension, anticipatory gratuity (including death-cum-retirement gratuity) and commuted value based on anticipatory pension.

2 In order to ensure that where anticipatory payments are made or authorised without production of the Last Pay Certificate the payments commence from the correct date it has been decided that after a Government servant actually retires from service a Gazette notification (if he was a Gazetted officer) or a formal order (if he was a non gazetted officer) notifying/intimating the fact of his retirement from the specified date should be issued within a week from the date of retirement. A copy of every such order should be forwarded to the Audit Officer concerned immediately after issue. Necessary provision in the Civil Service Regulations is being made separately.

3 If at the time of sanction of anticipatory pension anticipatory gratuity or commutation of a portion of anticipatory pension, any Government dues recoverable from a pensioner remain unassessed or unrealised the instructions contained in paragraph 10 of order No (5) below Article 907 on page 420 will *mutatis mutandis* apply.

Refer to G 1 order (2) on page 455

4 The revised procedure outlined in paragraph 2 and 3 above will come into force with immediate effect. This procedure will apply also to pending cases where payments of anticipatory pension, anticipatory death cum retirement gratuity or commuted value based on anticipatory pension are proposed to be made after the issue of this order.

[G I M F, No F 25(22) EV/60 dated the 29th June 1960]

## AUDITOR GENERAL'S ORDERS

(1) Since the date from which the grant of family pension is to take effect is invariably specified in the sanction by the sanctioning authority, the production of the L P C is not necessary in the case of family pensions under Extraordinary Pension Rules. The provisions of Rule 1 below para 155 of the Audit Manual would not, therefore, be applicable in such cases. This order will also apply to the case of family pensions granted under the Liberalised Pension Rules.

[Cr & Ar Genl's letter No 867 Admn II/49 Admn I/54 dated the 10th July 1954]

(2) There is good deal of difference between payment of gratuity to a retiring officer and payment to a deceased officer's family. It has therefore been decided in consultation with the Government of India that the production of Last Pay Certificate should be insisted upon before authorising payment of gratuity to a retiring Government servant.

[Cr and Ar Genl's letter No 318 Admn II/56-57 dated the 12th February 1958]

## B—Non Gazetted Officers

*Verification of Service*

914 A Non Gazetted officer shall submit a formal application for pension to the Head of the Office.

## GOVERNMENT OF INDIA'S ORDER

For the purposes of pension application in the case of the officer transferred to foreign service the 'Head of the Office' is the head of that office to which his appointment in the Indian Government belongs

[Paragraph 448 of the India Supplement ]

## AUDITOR GENERAL'S ORDER.

In cases where the pension already sanctioned has to be enhanced as the result of fresh fact coming to notice at a later date, neither a fresh application as prescribed in this Art is necessary nor a fresh application should be called for. It would suffice if entries Nos 10, 11 and 12 are revised and revised Third Page is submitted

[Cr & Ar Genl s No 357 A/54 52 dated the 22nd April, 1952 ]

915 On receipt of the formal application, the Head of the Office shall immediately prepare a statement of the applicant's service in the Second Page of Form 25 in accordance with the instructions embodied in Form 26 and arrange to verify them according to the following procedure —

(a) (i) In the case of an officer for whom a service book is maintained, if the service has been partly inferior (regarding which service the records of the Audit Officers are sometimes incomplete), all the information procurable shall first be gathered from official records. In respect to superior service, it will be sufficient to gather, in the first place, only such information as is easily procurable

The information thus received shall then be forwarded to the Audit Officer concerned along with the statement. The Audit Officer shall check the statement by his office records and furnish the necessary certificate of verification

(ii) If there is any discrepancy, the Audit Officer shall detail the nature of such discrepancy, for instance, that the post which the applicant is stated to have filled during a certain period is shown in the Audit Office records to have been filled by another person. The authority submitting the statement shall settle such discrepancy to the satisfaction of the Audit Officer before allowing the disputable service to count for pension

(iii) If the service claimed cannot be wholly verified from the records of the Audit Offices reference shall be made to the Head of the Office in which the applicant is shown to have served during the



period in doubt, unless the service in question has already been verified and a certificate of verification recorded in the service book

(iv) If it be found impossible to verify the service otherwise, a written statement of the applicant shall be taken on plain paper [See Indian Stamp Act. II of 1899 Schedule I, No. 4 (c)] and such collateral evidence as may be procurable shall be collected, for instance, certificates such as those given by an officer to a subordinate on his leaving the office and the testimony of contemporary Government servants

NOTE — [The power to admit service verified under the clause may be exercised by all subordinate authorities that are empowered to sanction pension under these rules]

(b) In the case of an officer for whom a service roll is maintained under Article 817 the services, unless they have already been verified and a certificate of verification recorded on the service roll, shall be verified with reference to pay bills acquittance rolls or other relevant records, the procedure prescribed in sub clause (iv) of clause (a) being adopted, where necessary

NOTE 1 — [The procedure prescribed in clause (b) applies *mutatis mutandis* to runners boatmen and coolies in Post Offices referred to in Article 817 for whom neither service books nor service rolls are maintained]

NOTE 2 — [In the case of Police Officers of rank not higher than Head Constables the procedure laid down in entry No. 40 in part III of Appendix I in regard to verification of service and grant of pension shall be followed]

## GOVERNMENT OF INDIA'S ORDER

### *Admission of pension on the basis of service book*

(1) In view of the discontinuance of the Annual Establishment Returns vide G I M F No. F 11(3)-E II (A)/62 dated the 3rd May, 1962 it has been decided that in future the whole non-gazetted service of an officer shall be admitted for pension by the Audit Officer who is to authorise the payment of pension to him on the basis of the entries recorded in his service book irrespective of the fact whether he rendered service in different circles of audit during his service career

[G I M F No. F 38(4) EV/60 dated the 21st Dec. 1962]

### *Verification of service in Pakistan*

(2) In the case of a Government servant who had rendered a portion of his service in an area now in Pakistan verification of service with reference to the initial records in possession of the authorities in Pakistan sometimes involves considerable delay in the finalisation of the pension case and causes hardship to the pensioner. In order to mitigate this hardship, it has been decided that the normal procedure of exercising a two fold check in the matter of verification of service should in such cases be modified as follows —

2. In cases where service books are available but certificates of local verification have not been recorded therein for any particular

period, steps should be taken to verify that service from available records, if any, such as personal files, gradation lists, pay bills, acquittance rolls etc. Where none of these records are available, a written statement of the Government servant concerned should be taken on a plain paper accompanied by the testimony of two contemporary Government servants, as contemplated in clause (a) (iv) of this Article. Such a declaration should be placed on record in his service book in lieu of local verification of service for that particular period. If there is any difficulty in obtaining the statements or testimony of contemporary Government servants for any such period or if the administrative authority is unable to accept any such statement or testimony as authentic, the Audit Officer should then be requested to verify that period of service from the Annual Establishment Returns, or copies thereof available with him, if any. (The Audit Officers will exercise the check in addition to the normal check prescribed for him in paragraph 150 of the Audit Manual). A reference to the authorities in Pakistan should be made only if the period of service cannot be verified in any manner whatever by any of these means, either due to the non-availability of the records in India or otherwise. In such cases, only an extract from the service books should be sent to the authorities in Pakistan, and not the service book in original.

3 In the case of the employees of the undivided Government of India, who served before partition in offices now in Pakistan other than Punjab (Pakistan) most of the Establishment Returns for seven years up to 1944 and those for 1945 to 1947 are available with the Accountant General, Central Revenues. The Accountant General, Punjab, Simla, is similarly in possession either in original or in copy, of the records of the Central Government employees working in the Punjab during the pre-partition periods. These records should be utilised for the verification of the service for pension of the officers in question.

4 These orders do not apply to cases of the displaced Government servants from Sind and North West Frontier Province employed under the Government of India, who are eligible for provisional pensions under the Government of India, Ministry of Home Affairs, Office Memorandum No 31/119/52-DGS, dated the 31st January 1953. In their case service should be verified in the manner indicated in clause (a) of sub-paragraph 1 of paragraph 3 of that Office Memorandum.

[G I M F, No P 13(16) EV/53 dated the 12th August, 1953]

(3) The question of utilisation of the services of the *ad hoc* Committee, for the purpose of verification of the services rendered prior to the 15th August, 1947 by the Central Government employees in areas now in Pakistan has been under consideration of Finance Ministry. It has since been decided that the cases of those Central Government servants who had rendered service prior to that date in areas now in Pakistan and in whose cases the adoption of the

special procedure for the verification of service, as laid down in order No (2) above has not proved fruitful, may be referred to the *ad hoc* Committee set up in the Ministry of Rehabilitation. The Administrative Ministries, will, no doubt make sure that before referring cases to the *ad hoc* Committee the instructions laid down in Order No (2) above have been followed at least in so far as they relate to the records available in India, and that steps taken in that direction have not yielded any tangible results

2 The cases of the employees referred to in the preceding paragraphs requiring reference to the *ad hoc* Committee may be referred to the Officer in Charge Central Claims Organisation, Ministry of Rehabilitation Mussoorie. The *ad hoc* Committee will only be concerned with the verification of service rendered prior to that date and while forwarding cases to the Committee, it would not be necessary to follow the elaborate procedure laid down in the Ministry of Rehabilitation's Office Memorandum No General (14)CCO/IV/58 dated the 18th August, 1958, but the following certificate should invariably be recorded —

"It is certified that steps taken in pursuance of the instructions contained in the Ministry of Finance No F 13(16)EV/57, dated the 12th August, 1953 order No (2) above] for the verification of service have not proved fruitful'

3 It is also requested that the cases of the Central Government servants who had rendered service before that date in areas in Pakistan may be reviewed and cases where the procedure for the verification of service, as laid down in Order No (2) above has not proved to be fruitful should be referred to *ad hoc* Committee within three months of the issue of this order

[G I M F No F 20(5) EV/59, dated the 4th March 1959]

#### *Information regarding leave on A P for 4 months*

(4) It has been decided by the Government of India that in the case of non gazetted government servants, information regarding periods of leave on average pay up to four months and the name of the Government or Governments which paid the leave salary in respect of such leave should be entered on the Second Page of the application for pension (C S R Form 25). The particulars may, when necessary, be recorded on a separate sheet to be pasted on the Second Page of the pension application

[G I F D, No F 82 VII R/II, dated the 25th February, 1929, Paragraph 452 of the India Supplement]

#### *Pension contribution by Pakistan*

(5) As the clearance of exchange accounts between the Governments of Pakistan and India is now at a standstill the actual recovery of contributions recoverable from the Pakistan Government is likely to take a long time. A question has been raised whether in

the meantime the Government servants concerned can be allowed to count *their service in Pakistan* for the purposes of leave, increment and pension etc., and also whether payment of pensions can be made to such of these Government servants who may retire from Government of India service after coming over to India. The Government of India have in consultation with the Comptroller and Auditor General of India, decided that in such cases, the period of service under the Government of Pakistan will count as service for leave, increment and pension, etc. to the same extent and in same manner as the other periods of foreign service and that the payment of pensions to the individual need not be held up for want of recovery of foreign service contributions from the Government of Pakistan.

This order is applicable to all cases of foreign service rendered after the partition under the Government of Pakistan irrespective of whether the retention of the individuals in Pakistan was due to provisional option or under the 'Standstill agreement'.

[G I M F, No F 1(7) E 1V/48, dated the 26th February, 1952.]

### AUDITOR GENERAL'S ORDER

(1) A question has been raised as to what procedure should be followed for the verification of the services for pension in respect of Government servants who have rendered service in areas now in Pakistan and in whose cases the service books/service rolls and the connected documents like the personal files the acquittance rolls, the pay bills the Annual Establishment Returns etc are either not available or are not forthcoming from Pakistan and whether in such cases pension could be sanctioned on the basis of collateral evidence on the analogy of the provisions in Clause (i) of Article 915(a) C S R.

The Government of India have intimated that in respect of the cases under consideration, order No (2) *ibid* should be applied and accordingly verification of services has to be made on the basis of collateral evidence and primarily this provision should be deemed to permit all reconstruction of service records also in cases where none of them is available and that the Audit Officer concerned may carry out the necessary checks with reference to the Annual Establishment Returns etc in his possession.

The stand taken by the Government of India has been accepted. It is primarily the responsibility of the Department Officers to verify the services for pension as recorded in the service books (either original or reconstructed) with the financial records available or from collateral evidence if none is available or forthcoming, from Pakistan. This requirement of Audit will be met if the services are verified from the Annual Establishment Returns or the statement of services from pension application as the case may be, wherever available as laid down in para 150 of the Audit Manual. The basic requirement for a pension case is a verified statement of service and this is supported

by service book entries which are verified from financial records, acquaintance rolls etc. If even in the absence of service books, all the entries in the statement of services are got verified and certified as to records from which each entry is verified the requirement of pension sanction would be fully met.

[Cr. & Ar. Genl's letter No. 82 Admn II/361-55, dated the 19th January, 1956.]

(2) In cases where only gratuity ordinary and/or death-cum-retirement gratuity and no pension is admissible, the verification by comparison between the statement of service of the applicant for pension and establishment books of the last period of qualifying service may be reduced from 3 years to 1 year as the amount of gratuity is determined with reference to emoluments or pay last drawn and not average emoluments

[Cr. & Ar. Genl's letter No. 1861-Admn II/411 56 dated the 9th October 1956.]

916. The preparation of the service statement and the verification of service in the manner set out in the preceding Article shall be undertaken by the Head of the Office one year before the date on which an officer is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier, and shall not be delayed till the officer has actually submitted the formal application for pension.

†917. (a) (i) After completing the verification in the manner indicated in Article 915, the Head of the Office shall draw up the application in Form 25. This should be done irrespective of the fact whether a formal application for pension has been received from the officer or not. If at the time the application in Form 25 is drawn up, a formal application from the officer has not yet been received, entries against items, 14, 16, 17 and 18 on the First Page of Form 25 shall not be filled up at that stage. The relevant entries shall be made soon after the formal application is received. However, if by the time the formal application is received, the application in Form 25 has already been sent to the Audit Officer, the formal application shall immediately be forwarded to the Audit Officer, who will complete the necessary entries.

(ii) The Head of the Office shall also follow directions contained in clauses (ii) to (iv) of Article 912.

†[O I M F No F 17 (4) EV (c)/61, dated the 30th June, 1961.]

(iii) In any case in which it becomes necessary to resort to the procedure prescribed in sub-clause (iv) of Clause (a) of Article 915 he shall record on the application the exact nature of the investigation made and the conclusions arrived at.

(b) He shall then arrange, with the application, all the documents relied upon for the verification of the service claimed in such manner that they can be conveniently consulted, and forward them with a covering letter in Form 26 together with the officer's service book, or

service roll as the case may be, and the statement in the Second Page of Form 25 duly completed up to date [and the last pay certificate if necessary—see Article 913 (b)] through the authority empowered to sanction the pension to the Audit Officer

(c) The authority competent to sanction the pension shall follow procedure in clause (c) of Article 913

### SECTION III—SANCTION

†918 (1) On receipt of the pension papers passed on to him under the provisions of Article 913 or 917, the Audit Officer shall apply the requisite checks and record his audit encasement on the Third Page of the application in Form 25, showing the total period of qualifying service which has been verified and accepted for the grant of pension or/and gratuity, the amount and the date from which it/they is/are admissible, etc. If the pension is payable in his circle of audit, he shall thereafter prepare the Pension Payment Order on the basis of the orders of the pension sanctioning authority and the audit encasement, but shall not issue it more than a fortnight in advance of the date on which the officer is due to retire. The fact of issue of the Pension Payment Order shall be promptly reported to the pension sanctioning authority, and the pension papers which are no longer required returned to him. \*The application in Form 25 shall be returned for record in the Audit Office

(2) If the pension is to be paid in another circle of audit, the Audit Officer shall send a copy of the pension application with the orders of the sanctioning authority and his audit encasement, along with the last pay certificate, if received, to the Audit Officer of that circle who shall prepare the necessary Pension Payment Order and take further action as indicated in clause(1)

NOTE —If the pension papers are plainly incorrect or incomplete the Audit Officer shall return them promptly for correction or explanation

(3) The Audit Officer shall record briefly in the Second Page of Form 25 his reasons for disallowing any service claimed. Any other disallowances should be recorded in the audit encasement on the Third Page with reasons therefor

[†G I M F No F 38 (5) EV/60 dated the 25th March 1960]

[\*G I M F No F 7 (9) EV (C)/61 dated the 30th September, 1961]

### GOVERNMENT OF INDIA'S ORDER

A doubt has arisen as to the basis on which the Pension Payment Order should be issued in cases where the pension found admissible by audit is less than the pension found admissible by the competent authority or *vice versa*. It is clarified that since the pension sanctioning authority merely conveys its orders for the grant of full pension and/or gratuity as admissible under the rules or indicates the amount or percentage by which the full pension or

gratuity should be reduced, the Pension Payment Order should be issued on the basis of the amount calculated and accepted by the Audit Officer

[G I M F, No F 24 (66) EV/60, dated the 28th April 1961]

## AUDITOR GENERAL'S ORDERS

### *Accord of formal sanction to pension*

(1) Even in cases covered by the second sentence of Art 918 (1) C S R, a formal report should be sent to the competent sanctioning authority along with an intimation of issue of the Pension Payment Order and this report should invariably contain a reference to Art 473, C S R.

Pensioners to whom a Pension Payment Order is issued under the provisions of Art 918 (1) C S R should be formally informed that the Pension Payment Order is provisional and is subject to the formal sanction of pension by the competent authority. The Audit Officers will no doubt ensure that the final sanction of the competent authority is accorded as early as possible

[Cr & Ar Genl's letter No 99 A/144-49 dated the 10th February, 1951, Paragraph 455 of the India Supplement]

(2) So long as a sanction purports to issue from the officer, who is competent to accord it, and the endorsement to Audit is made under the signatures of a Gazetted Officer authorised to sign such letters in terms of Para 31 (VII) of the General Financial Rules, Volume I, Audit is not concerned whether the sanction in question was or was not seen by the competent authority personally. In fact in all such cases, it is always assumed that the authority competent to accord sanctions accepts full responsibility for all the sanctions issued in its name

[Cr & Ar Genl's U O No 997—Admn II/286-A/54, dated the 2nd August, 1954]

(3) The intention behind Art 15, C S R and Art 918 *ibid* was that the Audit Officer in whose circle of audit a Government servant held substantively a non tenure permanent post will be responsible for verification of service as well as for the report on the title to pension

[Cr & Ar Genl's letter No 1977 Admn/390-50 dated the 20th September, 1950, Paragraph 456 of the India Supplement]

### *Retirement of I M S (Civil) Officers after 14-8-1947.*

(4) The work of reporting on the pensions of I M S (Civil) officers remaining in Civil Departments after the abolition of the I M S (Civil) on the 15th August, 1947, should be done by the Controller of Defence Accounts (Pensions), Allahabad. To enable him to submit the audit reports on pension entitlements of such officers, it is necessary that the Controller of Defence Accounts (Pension) should have full particulars of service rendered by the officers in Civil Departments subsequent to the 14th August 1947, special appointments and promotions, unreckonable service etc. The Comptroller and Auditor General, therefore, desires that the Civil

Audit Officers should arrange to furnish these particulars to the Controller of Defence Accounts (Pensions), Allahabad, in as complete a manner as possible when they are demanded.

[Cr. & Ar. Genl.'s letter No. 1069—Adma/553-48, dated the 30th May, 1950, Paragraph 457 of the India Supplement.]

### 919. *Cancelled.*

920. (1) Should the amount of pension granted to an officer be afterwards found to be in excess of that to which he is entitled under the Regulations, he shall be called upon to refund such excess.

†For this purpose the officer concerned shall be served with a notice by the pension sanctioning authority requiring him to refund the excess payment within a period of two months from the date of receipt by him of the notice. On his failure to comply with the notice the pension sanctioning authority shall order that such excess payment shall be adjusted by short payments of pension in future, in one or more instalments, as the authority may order.

†[G.I.M.F., No. F. 24(33)-EV/60, dated the 8th August, 1960]

(2) (a) In cases where a portion of qualifying service at the end has remained unverified at the time of issue of the pension payment order by the Audit Officer due to the fact that the pension application was sent to the Audit Officer before his date of retirement, the Audit Officer will authorise the pension provisionally in the first instance.

(b) If after the pension application in Form 25 has been forwarded to the Audit Officer, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Audit officer by the pension sanctioning authority. If no such event has occurred, a report to that effect together with a certificate as to the satisfactory nature of the service rendered by the officer after the pension application was originally forwarded, shall be sent to the Audit Officer within a week from the date on which the officer retires. At the same time details of any Government dues outstanding against the officer, and the steps taken to safeguard the interest of the Government in this behalf shall also be intimated to the Audit Officer.

(3) When a Government servant has retired from service, if he was a Gazetted Officer a notification in the Gazette or if he was a non-Gazetted officer, an order shall be issued specifying the actual date of retirement within a week of such date, and a copy of every such order shall be forwarded to the Audit Officer immediately :

†Provided that in cases where a notification in the Gazette regarding grant of leave preparatory to retirement to a gazetted officer has been issued, a further notification that the officer actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason antedated or postponed.

†[G.I.M.F. No. F. 25 (22)-EV/60, dated the 3rd February, 1961.]

NOTE —[It is, however, brought to the notice of all concerned that the family pension is subject to revision on the same being found in excess of what the recipient is entitled under the rules. Accordingly in case it is found that the



amount of family pension sanctioned to a person is in excess of what he/she is actually entitled to under the rules, the following procedure shall be followed —

The person concerned shall be served with a notice by the pension sanctioning authority requiring him/her to refund the payment within a period of two months from the date of receipt by him/her of the said notice. On his/her failure to comply with the notice the pension sanctioning authority shall order that such excess payments shall be adjusted by short payments of family pension in future in one or more instalments as that authority may order.]

[G I M F., No 24 (66) EV/60 dated the 12th April, 1962]

## GOVERNMENT OF INDIA'S ORDER

This Article provides that if the amount of pension granted to an officer be afterwards found to be in excess of that to which he is entitled he shall be called upon to refund such excess

2 Two question have arisen in this connection, viz.

(i) Whether the provisions of the said Article are applicable also to cases of overpayment of family pension, death cum retirement gratuity or arrears of pension to the nominee members of the family or legal heirs, as the case may be, of deceased pensioners and,

(ii) Whether that Article contemplates the obtaining of a personal undertaking from the pensioner or his nominee, etc., to refund any amount of pension or gratuity which may be found to be in excess of that to which the recipient was entitled under the rules

3 The matter has been examined and the position is as explained below —

(i) This Article is applicable to cases of overpayment of arrears of pension etc to nominees/legal heirs/members of family of deceased pensioners as well as to the pensioners themselves

(ii) Though, by virtue of Section 72 of the Contracts Act, any payment of pension, gratuity etc, under error, either it be of fact or law, could be recovered from the recipients thereof and though, as a rule, as enjoined by Article 918(2) C S R the pensioner's attention is drawn to the provisions of this Article in the report regarding admissibility of pension as well as in the orders sanctioning the pension, it has been decided that a definite declaration to be signed by the pensioner, by his nominee, members of family or legal heirs, as the case may be, agreeing to refund any excess payment made should be prescribed. This Article has accordingly been amended by the insertion of a Note thereunder

4. The declaration referred to in the preceding paragraph should be obtained by the authority sanctioning the pension death-cum retirement gratuity/gratuity/family pension before according actual sanction, and the same filed with pension papers. The fact of the declaration having been obtained should also be stated in the order of sanction

[G I M F., No F 7(81)-EV 57, dated the 14th August, 1958]

921. (a) If any interpretation of the rules is involved, or if any indulgence not provided for by the rules is proposed, the Local Government shall, unless they are competent to dispose of the matter, submit the case with their opinion and recommendation to the Government of India in the Administrative Department concerned.

NOTE.—[In respect of such recommendations, see orders printed as Appendix 9] (This Appendix has not been printed)

(b) Until the orders of the Government of India are received a recommendation for any special indulgence shall never be communicated, directly or indirectly, to the officer concerned.

(c) An application in Form 25, together with the statement of service in the Second Page of that Form, or in Form 22, as the case may be, shall accompany every special recommendation made under this Article.

## GOVERNMENT OF INDIA'S ORDER.

### *Categories of displaced Government Servants*

The following categories of persons are to be treated as displaced Government servants —

(i) Persons who were employed under the Central Government of undivided India and, having opted for service in India, became surplus to requirements as a result of the constitutional changes (including non-Muslim employees of the Baluchistan),

(ii) Persons who were employed under the Central Government of undivided India and opted for service in Pakistan, but had to return to India or could not proceed to Pakistan owing to the conditions which prevailed in Pakistan, and

(iii) Persons who were employed under the Provincial Governments of Sind and N.W.F.P. and who migrated to India before the 15th April, 1949 owing to the conditions prevailing in Pakistan

NOTE.—[The time limit of the 15th April, 1949, for migration will not apply to displaced Government servants from Sind & N.W.F.P. for the purpose of pension under Home Ministry's memo No. 31/119/52 D G S, dated the 31st January, 1953]

[G IM H.A. No. 51/36/57 D G S, dated the 6th May, 1957.]

## SECTION IV—ANTICIPATORY PENSION

922. (a) When an officer whose pension is payable in India is likely to retire before his pension can be finally assessed and settled in accordance with the provisions of the preceding Section of this Chapter, the Audit Officer shall sanction the disbursement of the pension to which, after the most careful summary investigation that he can make without delay, he believes the officer to be entitled, provided that such disbursement shall be made only after the declaration specified below has been signed by the retiring officer :—

"Whereas the (here state the designation of the officer sanctioning the advance) has consented provisionally, to advance to me the sum of Rs a month,

in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of my pension I hereby acknowledge that in accepting this advance I fully understand that my pension is subject to revision on the completion of the necessary formal enquiries and I promise to base no objection to such revision on the ground that the provisional pension now to be paid to me exceeds the pension to which I may be eventually found entitled. I further promise to repay any amount advanced to me in excess of the pension to which I may be eventually found entitled.

NOTE.—[If the sanction to the pension under this clause is given by an Audit Officer other than the Accountant General he shall send a copy of his order to the Accountant General for the issue of the requisite orders for disbursement from the treasury concerned.]

(b) When an officer whose pension is payable in England is likely to retire before his pension can be finally assessed and settled, the Audit Officer shall after the most careful summary investigation that he can make without delay, report to the High Commissioner for India, through the authority competent to sanction the pension and the Local Government, the minimum amount to which he believes the officer to be entitled. The High Commissioner shall, then, on receiving from the officer a declaration similar to that referred to in clause (a), at discretion, sanction the immediate disbursement of the amount reported or such smaller amount as may be deemed proper.

## GOVERNMENT OF INDIA'S ORDER

(1) In the case of anticipatory pension it is not contemplated that the entire service should be verified beforehand but it should be seen that *prima facie* there is no reason to suppose that any portion of the service does not qualify for pension.

[LWP N—145, dated the 6th May, 1904, Paragraph 478 of the India Supplement.]

(2) Paragraph 3 of order No. (1) below Article 913 on page 443 provides that if at the time of sanction of anticipatory payments any Government dues recoverable from a pensioner remain unassessed or unrealised the instructions contained in paragraph 10 of orders dated 8th March 1959 (page 423) and order dated the 24th February, 1960 (page 432) below Art. 907 will apply.

In this connection it has been represented that sub clause (2) (e) of Finance Ministry's Office Memorandum No. F 3 (29) Est (Spl)/50 dated the 8th June 1951, already provides for withholding of (see Anticipatory Payment under L.P.R. Vol II) one fourth of the amount of anticipatory D.C.R. gratuity and that withholding of further amounts from it on account of outstanding Government dues is liable to cause hardship and delay in the payment of anticipatory pension etc. It has been suggested that the amount of anticipatory gratuity withheld under Finance Ministry's Memorandum of the 8th June, 1951 should be sufficient to cover the risk of overpayment of gratuity as well as any unrealised Government dues.

The President is, accordingly, pleased to order that (i) in cases in which D C R gratuity is payable, no amount over and above the amount withheld in accordance with the provisions of Office Memorandum of the 8th June, 1951, should be withheld on account of outstanding Government dues (ii) In cases, however in which the pension sanctioning authority indicates in the Third Page of the Application for pension, an amount which is more than one fourth of the amount of anticipatory gratuity, to be withheld from the D C R gratuity, the amount so indicated should be withheld from the anticipatory gratuity (iii) In cases in which no death-cum-retirement gratuity is payable, the instructions referred to in paragraph 3 of order No (1) below Article 913 (page 443) will continue to apply

It has been observed that the instructions contained in subpara (2) (e) of the Office Memorandum dated the 8th June, 1951 (see 'Anticipatory Payments' under L P R in Vol II) has not been interpreted uniformly by audit officers. It is accordingly clarified that one fourth of the amount of anticipatory D C R gratuity is required to be generally withheld when authorising such payments

[G I M F, No F 25 (22) EV/60 dated the 12th February, 1962]

(3) For the disbursement of anticipatory family pensions refer to Note (1) to para (e) of Government of India's order No (2) below para 13 of the Liberalised Pension Rules

## AUDITOR GENERAL'S ORDER

The Auditor General with concurrence of the Government of India has approved of the procedure of issuing anticipatory pension payment orders on treasuries before receipt of the declaration under this Article in the Audit Office with clear instructions to the Treasury Officer to obtain the declaration before actual payment. The declaration should be forwarded by the Treasury Officer concerned to the Audit Officer along with the first bill in which payment is made

[Ar Genl's letter No 163—Adm/C/676-29 dated the 31st January, 1930, Paragraph 479 of the Ind A Supplement]

923 If the Audit Officer considers it likely that in a case contemplated by clause (a) or (b) of the preceding Article the officer would be entitled to a gratuity only, one-sixth of the amount of such probable gratuity should, upon a similar declaration be disbursed to him monthly until the amount is finally settled

924. The payment of the anticipatory pension should be so arranged that it is not delayed beyond the first day of the month following the month in which the officer is due to retire

925 If, upon the completion of regular investigation, it be found that pension thus summarily assigned differs from the pension finally settled, the difference must be adjusted in the first subsequent payment

Provided that, if a gratuity summarily assigned, under Article 923 proves to be larger than the amount found actually due upon completion of the enquiries, the officer shall not be required to refund any excess actually paid to him, except as provided in Chapter XXI.

926. To enable the Audit Officer to exercise the jurisdiction entrusted to him under Article 922, the authority whose duty it is to sanction the pension, if he sees reason to believe that the pension cannot possibly be sanctioned by the date on which the officer is due to retire, shall furnish to the Audit Officer without delay the fullest information regarding the officer's service, the probable amount of pension, etc., unless the pension papers containing such information are already in the possession of the Audit Officer.

927-929. *Cancelled*

## Chapter XLVII—Payment of Pensions

### SECTION I—GENERAL RULES

930. Apart from special orders, a pension, other than a Wound or Extraordinary pension under Part VI, is payable from the date on which the pensioner ceased to be borne on the establishment, or from the date of his application, whichever is later. The object of this latter alternative is to prevent unnecessary delay in the submission of applications. The rule may be relaxed, in this particular, by the authority sanctioning the pension when the delay is sufficiently explained.

1 The pension of an Officer who under Article 436 has received a gratuity in lieu of notice is not payable for the period in respect of which the gratuity is paid

## GOVERNMENT OF INDIA'S ORDERS.

*Retirement from the Commencement of leave without pay.*

(1) An officer who has taken leave without pay in the hope of being able to resume duty and who subsequently decides that his health will not permit of his return should not be regarded as entitled to pension from the commencement of his leave without pay.

[G I F D No 86-7 C.S R dated the 22nd July, 1915, Paragraph 481 of the India Supplement]

*Date of Commencement of pension.*

(2) In the case of a man superannuated but on special duty in England his pension in the absence of special orders should commence from the date of termination of his special duty

[L S P R 163, dated the 17th November, 1906, Paragraph 482 of the India Supplement]

(3) When leave without pay has been granted at an officer's own request and for his own advantage, retirement under the pre-

mature retirement rules should not take effect from a date which involves the cancellation of such leave

[G I F D No F/209 C S R /25 dated the 6th July, 1925, Paragraph 493 of the India Supplement]

(4) The interpretation of the word 'application' as used in the fourth line of this Article is not the application referred to in Arts 911 and 913 C S R , but any formal application for pension an officer may submit to his superior officer either before or after retirement and the date of this application should be entered on the Fourth Page of Form No 25 (pension) [See page 480]

Anticipatory pension should be granted from the date of retirement

[Paragraph 484 of the India Supplement]

(5) The relevant provisions of the C S R relating to matters of procedure in regard to the payment of pension etc , shall continue to be applied to Judges of High Courts

[G I F D Endt No F 27 IV C S R /27, dated the 15th June, 1927]

931. The preceding Article applies to ordinary, not to special, cases. If, under special circumstances, a pension is granted long after an officer has retired, retrospective effect should not be given to it without the special orders of the \*Government which granted it , in the absence of special orders such a pension take effect only from the date of sanction.

## GOVERNMENT OF INDIA'S ORDER.

The word, \*'Government' in this Article refers to Government in the Ministry of Finance

[G I M F No 2796-EV/63, dated the 23rd April, 1953]

932 In cases where considerable delay has occurred in making application for a Wound or Injury pension, it will be granted only from the date of the report by the Medical Board, and no application for gratuity or pension will be entertained unless submitted within five years of the date of the wound or injury.

933. *Deleted*

933A. *Omitted* [with effect from the 12th June, 1956]

934 Except where specifically otherwise provided, all pensions shall be payable in rupees in India :

Provided that in the case of a non Indian Officer who entered service before 10th September, 1949 and who on retirement takes up his residence in the United Kingdom or in any of the territories mentioned in Appendix 15, payment of pension, except death cum retirement gratuity and family pension admissible under the New Pension Scheme, may be made in sterling through the High Commissioner for

India in the United Kingdom or through any of the authorities mentioned in Appendix 15 for the period of such residence at the minimum rate of conversion of 1s 9d to the rupee

Provided further that Indian Pensioners who retired from service before 12th June 1956 and who before that date took up residence in the United Kingdom or in any of the territories mentioned in Appendix 15 shall continue to enjoy the concession of conversion of their pensions into sterling at the minimum rate of 1s 9d to the rupee during the continuance of their residence in the United Kingdom or those territories, as the case may be

Provided further that the minimum rate of conversion of 1s 9d to the rupee shall not apply to those territories included in Appendix 15 where the Indian rupee is either legal or current tender or whose currency is at par with the Indian rupee

Explanation—For the purposes of this Article and Articles 934A 934B 934C 934D and 935 the expression non Indian means a person who on the date of his retirement was a citizen of a country other than India

## GOVERNMENT OF INDIA'S ORDERS

(1) If there is no objection the G I Ministry of Finance (Department of Economic Affairs) may be consulted by the State Govt on all questions relating to payment of pensions outside India before any rules or orders in this regard are issued by themselves

[G I M F No F 6 (25)/EV/59 dated the 25th February 1960]

(2) On a question having been raised whether a pensioner is entitled to the payment of pension in U K under this amended Article if he acquires citizenship rights under the British Nationality Act after retirement it was decided that the pensioner is not entitled to the concession under this amended Article and he should make his own arrangements for getting his pension in U K through the normal banking channels

[G I M F No 3913 VI (C) 59 dated the 30th September 1959]

(3) The privilege minimum rate of exchange of 1s 9d to the rupee admissible to certain Government servants under this Article and other connected Articles of the CSR will continue to be admissible to them in respect of ordinary pension under the new scheme. The minimum rate is not however admissible in respect of the death cum retirement gratuity and family pension which may be sanctioned under that scheme (Liberalised Pension Rules)

[G I M F No F 3(31) Est (Spl)/50 dated the 16th February 1951]

(4) In the case of a pensioner who retired from service before the 26th January 1940 but who did not take up residence in the U K etc until after the 12th June 1956 eligibility for drawal of pension in sterling at the conversion rate of 1s 9d under the first

proviso to this Article may be determined with reference to the following criteria, namely —

(i) If the pensioner can establish from documentary evidence that while he was in service in India he was by virtue of his non Indian nationality admitted to any special benefits which at that time were admissible to persons of non Asiatic domicile only such as the special leave rules, overseas pay, home leave passages etc, he may be treated as a 'non Indian'

(ii) A pensioner who is able to prove from documentary evidence or otherwise that he had acquired the citizenship of a country other than India prior to the 12th June, 1956 also may be admitted to the benefit of pension in sterling at the special conversion rate

All other pensioners who retired from service before the 26th January 1950 but took up residence in the U K, etc, on or after the 12th June 1956 should be dealt with under the main rule without specifically investigating the question of their eligibility for Indian citizenship

2 The above criteria may be adopted as a rough and ready method. However, it should not be understood that all persons who are unable to satisfy the two criteria are *ipso facto* Indian citizens. That privilege can only be claimed by a person who satisfies the provisions of Article 5 of the Constitution

[G I M F, D O No 638 DS—(R II)/60 dated the 4th February, 1960.]

(5) The President has been pleased to decide in partial relaxation of the second proviso to this Article that Indian pensioners who after retirement or while on leave preparatory to retirement took up residence in the United Kingdom or in any of the territories mentioned in Appendix 15 C S R during the period from the 12th June 1956 to the 17th July 1958 may receive their pension through the High Commissioner for India in the United Kingdom or through any of the authorities mentioned in Appendix 15 *ibid* in sterling converted at the current rate of exchange. The President has also been pleased to order that recovery of any overpayments resulting from payment of pension to these pensioners at the conversion rate of £s 9d to the rupee in respect of any period between the 12th June 1956 and the 17th July 1958 shall be waived. In cases where overpayments on this account for the said period have been already recovered the same shall be refunded. Any such overpayment relating to periods after the 17th July, 1958 shall, however, be recovered.

2 The lumpsum payable on commutation of a part of pension in the case of the pensioners who have been allowed to receive payment of pension abroad in relaxation of this Article as in the preceding paragraph or under some separate orders shall be payable in India only

[G I M F No F 9(14) EV/57 dated the 2nd July 1960]



934A. A non-Indian pensioner who entered service before 10th September, 1949, who has been residing in India and who proceeds to a place outside India with the object of taking up residence there, shall be entitled to convert his pension at the minimum rate only from the date when he quits India.

934B. A non-Indian pensioner who entered service before 10th September, 1949 who within six months of his retirement leaves India with the object of taking up residence elsewhere, shall be entitled to convert his pension at the minimum rate from the date to which it has been paid in India or, if no payment has been made there, from the date of its commencement.

934C. A non-Indian pensioner who entered service before 10th September, 1949 who has been allowed to convert his pension at the minimum rate and who returns to India and continues to draw his pension through the High Commissioner for India in the United Kingdom or through any of the authorities mentioned in Appendix 15, shall be allowed the benefit of the minimum rate for six months from the date of such return.

934D. The pension of a non-Indian pensioner, who entered service before 10th September, 1949 who is entitled to the minimum rate and who has commuted any portion after 4th December, 1928, shall be converted at the rate of exchange prescribed by the President, and to the resulting pension shall be added, so long as he remains entitled to the minimum rate, the difference between the values of the full pension (less any portion commuted before 5th December, 1928) converted at that rate and at the rate of exchange prescribed by the President, respectively.

935. The minimum rate shall apply to gratuities paid to non-Indian officers who entered service before 10th September, 1949 residing outside India, but where the service of an officer to whom a gratuity is granted terminates in India, his gratuity shall be paid in India.

#### Transfers between England and India

\*936. Transfer of a pension from India to the United Kingdom (where it is payable through the High Commissioner for India) and *vice versa* is permitted twice only.

\*(Takes effect from the 12th June, 1956.)

937. Application for transfer of payment from India to the Home Treasury, should be made to the Accountant-General within whose jurisdiction the treasury of payment is, who will grant a last pay certificate, forwarding a duplicate, with a copy of the First Page of the application upon which the pension was originally granted, to the High Commissioner for India.

## SECTION II—PAYMENT IN INDIA

## 938. Deleted

939. The Accountant-General of the province in which payment is to be made will then communicate to the officer who is to pay the pension authority to make the payment; in the case of a pension, such authority will be a Pension Payment Order in Form 27 or 28 or (in the case of Presidency Payments) Form 27-1 or 28A.

NOTE 1—[Form 27, may not be used for pensions chargeable to Local Funds other than those which up to 1st April, 1908 were treated as incorporated (see Article 800) or Indian States. The following extract from a letter from the Government of India indicates the form of Pension Payment Order to be used and procedure to be followed when a treasury is authorised to pay pension on behalf of an Indian State —

"I am directed to say that if an Indian State desires a periodical payment to be made from a Government Treasury, the amount being recovered from the Indian State, there is no objection to the request being granted with the sanction of the Local Government, provided the amount of each payment is not less than Rs 100, and provided that the treasury at which payment is desired is under the Government which is in political connection with the Indian State concerned. Such payments will be made by Government merely as an agent for the Indian State

"When such payments on account of pensions are arranged for, the Form of payment order should not be the same as that used for pensions payable from Indian Revenues. The order should be of the same kind as the ordinary Pension Payment Order but should be clearly distinguished in Form."

NOTE 2—[Each Pension Payment Order will be accompanied by form 27-A intended to be delivered by the Disbursing Officer to the Pensioner concerned for use as a wallet for the pensioner's half of the Pension Payment Order]

## GOVERNMENT OF INDIA'S ORDER

Clause (i) of sub-rule (2) of Rule 328 of the Central Government *Compilation of the Treasury Rules, Volume I*, requires that the specimen signature and the thumb and finger impressions of a pensioner to be attached to the Pension Payment Order should be attested by the Head of the Office concerned or by some other responsible person. It has been decided that in the case of pension documents or other certificates relating to pension payment of Central Government servants residing in Pakistan the attestation should be made by some person exercising the power of a Magistrate under the Criminal Procedure Code in Pakistan under the seal of his office.

2 All documents in this behalf should, however, be routed through diplomatic channels.

[G I M F., No. P 7(9)-EV/49, dated the 21st March, 1949.]

## Procedure in paying

940. A gratuity is paid in a single sum, and not by instalments, on receipt of the Accountant-General's authority.

941. (a) A gratuity may, at the discretion of the Government of India, or with the sanction of the Government of India on the application of the recipient, be converted either into a life annuity, or into a temporary life annuity, or into an annuity, payable for a fixed number of years with remainder to the annuitant's heirs in case of his death. The amount of the life annuity will be determined by the table prescribed by the Governor-General in Council (President) under the 'Civil Pensions (Commutation) Rules' *Appendix XI of Vol II* (on page 119) while that of the temporary life annuity will be determined in each case in consultation with the Actuary to the Government of India on the assumption of the same rates of interest and mortality on which the table prescribed by the Governor-General in Council (President) under the 'Civil Pensions (Commutation) Rules' is based.

(b) A Local Government may exercise the power of the Government of India under clause (a) of this Article in respect of gratuities sanctioned by it or by an authority subordinate to it.

#### AUDITOR GENERAL'S ORDER.

In the case of pensions granted for a limited number of years *vide* Article 747 C S R, or similar annuities referred to in Article 941 C S R, it has been decided that such cases should be referred to the Actuary of the Government of India who will calculate the present value in each case. If in any case a fraction of a year is involved, the fraction of more than six months should be counted as an additional complete year and those for six months and less should be neglected.

[Ar Genl's letter No 298 Admn/667 21, dated the 11th February, 1922.]

942. The Government of India or a Local Government will never insist on the conversion of a gratuity into an annuity, unless the expectation of life of the officer be reported by competent medical authority to be equal to the average.

943. A pension is payable in India monthly on and after the first day of the following month under the following rules:—

1. On receipt of the Pension Payment Order, the disbursing officer will deliver one-half to the pensioner and keep the other half carefully in such manner that the pensioner shall not have access thereto.

2. Each payment made is to be entered on the reverse both of pensioner's half and of the disbursing officer's half of the Pension Payment Order, both entries being attested at the time of payment by the signature of the disbursing officer.

3. With reference to Articles 956 and 957, a pension should under no circumstances, be paid for the first time in arrears for more than one year without special orders of the Local Government.

NOTE —[The Local Government may delegate its powers under this rule to Commissioners of Divisions and to such other officers as it may desire]

4 A pension is payable for the day on which the pensioner dies (Imp.)

5 In regard to the liability of pensions to attachment by a Civil court, see Section 11 of Act XXIII of 1871, which runs as follows —

*Section 11*—“No pension granted or continued by Government on political considerations, or on account of past services or present infirmities or as a compassionate allowance and no money due or to become due, on account of any such pens on or allowance shall be liable to seizure, attachment or sequestration by process of any court in British India at the instance of a creditor, for any demand against the pensioner, or in satisfaction of a decree or order of any such court.”

## AUDITOR GENERAL'S ORDER.

The Chief Accountant, Reserve Bank of India, will apply to the Accountant General concerned to arrange for the payment of a pension of a Government servant transferred to the Reserve Bank for payment from a Government treasury at a place where there is no office or branch of the bank. The Accountant General will issue a Pension Payment Order in Form 27, C S R with modifications considered necessary on the treasury. The Treasury Officer will deal with this Pension Payment Order in the same manner as for pensions of other Government servants. The pension will be classified under the head ‘S—Deposits and Advances—Part II—Deposits and Advances not bearing interest Accounts with Reserve Bank—Transactions on behalf of the Reserve Bank—Pension Payment.’ This classification will be noted on the Pension Payment Order also. Debits for the gross amount of pension paid supported by vouchers will be passed on to the Bank, and income tax deducted will be credited finally to Government under the appropriate head of account.

[Ar Genl's letter No 516-Admn I/167 36, dated the 17th November, 1936, Paragraph 793 of the Punjab Manual]

## Identification of Pensioner

944 As a rule a pensioner must take payment in person after identification by the comparison with the Pension Payment Order.

NOTE —[Officers of the classes mentioned in Article 297 (c) (d) and (e), as it stood prior to 6th July 1920 and in Articles 651 and 678 whether appointed by the Secretary of State or not are when pensioned paid on payment orders in Form 23 which do not contain a full description of the payee. In case of doubt, if such a pensioner is not known to the paying officer, he may be required to produce a life certificate or other evidence of identity.]

## GOVERNMENT OF INDIA'S ORDER

### *Photographs for Identification of pensioners,*

The Government of India have had under consideration the question of introducing pensioners' photographs as an additional means of identification for the purpose of payment of pension. This experiment has been tried for one year in the North West Frontier Province, and has proved to be success. It affords the disbursing

Officer a comparatively easy means of identification, and also saves the pensioners some delay which might have been caused by the need for comparing the thumb and finger impression before making payment. The Government of India have, therefore, decided that in the case of pensioners whose pensions are to be paid from centrally administered treasuries, the Heads of Offices should, at the time of completing pension application forms and transmitting the pension papers to the Accounts Officer concerned forward there with one certified copy of each pensioner's photograph in passport size. The Accounts Officer will have the photograph pasted on the disbursing Officer's half of the Pension Payment Order, and the Treasury Officer will then be in a position to make payment on the strength of the resemblance between the pensioner and his photograph pending the final reconciliation of any question which may arise about identification marks.

2 This means of identification of pensioners will be in addition to the existing system of recording the thumb and finger impressions, which will remain a permanent and reliable record of pensioner's identity. Pensioners will bear the cost of their photographs.

3 These orders will also apply to Central Government pensioners drawing pensions from treasuries in Provinces which have adopted this system of identification of their pensioners.

4 These orders will not, however, apply to European ladies, purdah ladies, persons who have been gazetted officers, persons who hold Government titles, and persons who have been specially exempted by Government.

[G.I.F.D. No F 8(2) R II/38 dated the 4th April, 1938]

(2) The above order requires that the Heads of Offices should at the time of transmitting the pension papers to the Accounts Officer concerned, forward therewith one certified copy of each pensioner's photograph in passport size which the Accounts Officer will have pasted on the disbursing Officer's half of the Pension Payment Order. Gazetted officers were specifically exempted from the above orders vide para 4 of the letter under reference.

2 It has now been decided by the Government to extend these orders to Gazetted officers as well. It has also been decided that henceforth, instead of one two certified copies of each pensioner's photograph in passport size should be submitted to the Accounts Officer concerned along with the pension papers in each case. This will obviate unnecessary correspondence to obtain a second copy of photograph in cases where an anticipatory pension is sanctioned and the original copy of the photograph is utilised while issuing Pension Payment Order for anticipatory pension.

These orders shall come into force with immediate effect, but will not apply to cases where pension papers have already been sent

to the Accounts Officers concerned before the date of issue of this order

[G I M F, No. F 25(31) EV/60 dated the 29th July 1960]

945 A pensioner specially exempted by the Local Government from personal appearance, a female pensioner not accustomed to appear in public, or a male pensioner who is unable to appear in consequence of the bodily illness or infirmity, may receive his or her pension upon the production of a life certificate signed by a responsible officer of Government or by some other well known and trustworthy person

NOTE.—[The power to grant exemption under this Article from personal appearance to draw pension may be delegated by a Local Government to any officer of not lower rank than Collector of a District]

946 A pensioner of any description, who produces a life certificate signed by some person exercising the powers of a Magistrate under the Criminal Procedure Code (Act V of 1898), or by any Registrar or Sub-Registrar appointed under the Indian Registration Act, 1908(XVI of 1908) or by any pensioned officer who, before retirement, exercised the powers of a Magistrate or by any Gazetted Officer, or by a Munsif or by a police officer not below the rank of Sub-Inspector in charge of Police Station, or by a Postmaster, a Departmental Sub-Postmaster, or an Inspector of Post Offices or by a Class I Officer of the Reserve Bank of India or a Staff Officer or Staff Assistant of the State Bank of India is exempted from personal appearance

947 (a) In all cases referred to in Articles 945 and 946, the disbursing officer must take precautions to prevent impositions, and must, at least\* once a year, require proof independent of that furnished by the life certificate of the continued existence of the pensioner

(b) For this purpose he should (save in cases of exemption from personal appearance granted by the Local Government) require the personal attendance and due identification of all male pensioners who are not incapacitated by bodily illness or infirmity from so attending, and in all cases where such inability may be alleged, he should require proof thereof in addition to the proof submitted of the pensioner's existence

1 The disbursing officer is personally responsible for any payment wrongly made. In case of doubt he should consult the Accountant General

2 A pensioner of rank may be privately identified by the disbursing officer and need not be required to appear at a public office

## GOVERNMENT OF INDIA'S ORDER

A pensioner submitted the life certificate signed by a gazetted officer. The Treasury Officer required that the certificate should be signed by a Magistrate or the pensioner should personally appear before him. The question was accordingly raised whether the objection raised by the Treasury Officer was valid in view of the

\*For rules relating to periodical verification of pensioners see Rules 367 and 368 of the Treasury Rules Volume I

provisions of Rule 343 of the Central Government Compilation of Treasury Rules Volume I, under which a pensioner who furnished a certificate signed by a gazetted officer is exempted from personal appearance. The Government of India held that under this Article a disbursing Officer should require proof independent of the proof submitted of the pensioner's existence. The position therefore is that it is open to the Treasury Officer to satisfy himself of the pensioner's existence in whatever manner he thinks fit.

[G I M F U O No 2032 EV/50 dated the 22nd March 1950]

948 Payment of pensions to Police pensioners are made in accordance with the rules in this Section but if the disbursing officer entertains any doubt as to identity of such a pensioner he may require the local Inspector of Police to identify him. The Inspector would then be responsible for the correct identification of the pensioner.

### Payment to Agents

949 (a) A pensioner not resident in India may draw his pension at any treasury in India through a duly authorised agent who must either produce a certificate by a Magistrate, a Notary a Banker, or a diplomatic Representative of India on each occasion, that the pensioner was alive on the date to which his pension is claimed, or execute a bond to refund overpayments and produce such a certificate as aforesaid at least once a year.

(b) A pensioner of any description resident in India is exempted from personal appearance if he draws his pension through a duly authorised agent approved by the Local Government, who must execute a bond to refund overpayments and produce at least once a year a life certificate signed by any of the persons authorised by Article 946 to sign such certificates.

(c) The pension of an officer drawing his pension through an agent who has executed a bond to refund overpayments should not be paid on account of a period of more than a year after the date of the life certificate last received and the Accountant General and the disbursing officer should be on the watch for authentic information of the decease of any such pensioner, and on receipt thereof should promptly stop further payments.

### GOVERNMENT OF INDIA'S ORDERS

#### *Procedure in cases of suspicious Life Certificates*

(1) Whenever any doubts are entertained in regard to a life certificate submitted under clause (1) of this Article by a pensioner residing out of India and drawing pension in India the pensioner may be called upon to furnish such information and evidence as will satisfy the Accountant General that the signature to the certificate is authentic. In such cases it will be well to ascertain if possible why the pension is drawn in India (Bencal)

[G I F D No 5.1 dated the 31st January 1953 paragraph 493 of the India Supplement]

*Claims of Goan pensioners*

(2) The claim presented by the Central Government pensioners residing in Goa for drawal of pensions through duly authorised agents from Treasuries in India may be passed on the basis of life certificates issued by the Pension Registrar posted in the Indian Pensions Disbursement Office set up in Goa by the Government of India. The Provisions of the Article 949(a) above and Rule 345 of the Central Treasury Rules may be treated as relaxed to this extent until further orders, in so far as pensioners resident in Goa are concerned.

[G I M F, F 25(24) EV/60, dated the 14th July, 1960]

**AUDITOR GENERAL'S ORDER***Payment of pensions by cheques.*

It has been decided by the Auditor General that payment of pension to pensioners, who stay out or are unable to appear, in consequence of illness or otherwise, may be made by cheques in favour of their banker when bills are endorsed in favour of such bankers, and are duly receipted by them.

In case, where the bills are endorsed in favour of messengers, other than recognized bankers, cheques should be made out in the names of the pensioners themselves, but in such cases, it should be insisted that the endorsements should be in the form "Please make over or deliver cheque to ", instead of in the form "Please pay to ". The latter form of endorsements in the case of private messengers, should only be accepted in the case of cash payment.

[Ar Genl's No 568 Admn —3328, dated the 20th March 1923, Paragraph 497 of the India Supplement]

**Transfers in India**

950 A Local Government or an Accountant General may, on application and on sufficient cause being shown, permit transfer of payment from one treasury in India to another. This jurisdiction may be delegated by the Local Government to any Executive authority not lower than the Collector or other District officer.

951. (a) A copy of any order issued by a Local Government or other Executive authority under the preceding Article should be forwarded to the Accountant General, and the Collector of the District from which the payment is to be transferred should be instructed to return him half of the Pension Payment Order.

(b) The Accountant-General will then either issue a new payment order, or enface the payment order for payment at the new treasury and forward it to the Treasury Officer who will in future pay the pension, or, if the treasury is in another province, will move the Accountant General of that province to do so.



## AUDITOR GENERAL'S ORDER

To obviate delay in the communication to a pensioner of the transfer of payment of his pension from the jurisdiction of one Accounts Officer to that of another the Accounts Officer in whose jurisdiction payment is to be made should when a new Pension Payment Order is issued send the necessary intimation to the pensioner and not request the other Accounts Officer to issue the intimation. To enable him to do so the Accounts Officer who requests him to arrange for payment of the pension should when making the request furnish him with the address of the pensioner.

[Ar Genl's letter No 70 Admn 1/218 38 dated the 2nd February 1939]

952 A Treasury Officer may authorise payment in any of the outlying treasuries subordinate to his district treasury of a pension payable under proper authority at his headquarters, and may transfer the payment of a pension from such subordinate treasury to the district treasury, or from one subordinate treasury to another in the same district.

## GOVERNMENT OF INDIA'S ORDER

The powers of Collectors are subject to the general control of the Local Government. The Accountant General can state that the payment may be made at a particular sub treasury if the Collector sees no objection.

[G I F D No 2674 dated the 22nd May 1902 Paragraph 499 of the India Supplement]

## Certificate of Non Employment

953 (a) A pensioner drawing pension in India is required to append to his bill a certificate as follows —

‘I declare that I have not received any remuneration for serving in any capacity either under Government or under a Local Fund, during the period for which the amount of pension claimed in this bill is due’

(b) In the case of a pensioner permitted under Chapter XXI to draw pension after re employment, this certificate should be modified according to the facts.

(c) In the case of a pensioner drawing his pension through an agent who has executed a bond of indemnity, as required by Article 42 of the Civil Account Code (Rules 246 and 247 of T R Vol I) the certificate modified accordingly may be signed by the agent, provided that the pensioner shall himself furnish once a year, a certificate covering the period for which pension has been drawn on the basis of the agent's certificates.

## Renewal of Pension Payment Order

954 When the reverse of a Pension Payment Order is filled up, or when the pensioner's half is found to be worn or torn, both halves may be renewed by the Treasury Officer.

955 If a pensioner loses his half of the Pension Payment Order, a new Order may be issued by the Treasury Officer, who should see that no payment is made on the half alleged to be lost by a strict observance of Rule 2 under Article 943. The necessary note should be made in the remarks column of the register in Form 39, Civil Account Code (Form T R 36)

### Lapses and Forfeitures

956 If a pension payable in India remains undrawn for more than one year, pension ceases to be payable

### GOVERNMENT OF INDIA'S ORDER

The authority sanctioning the pension is competent to authorise the payment of arrears of pension which has remained undrawn by the pensioner concerned

[G I M F No 3271 EV(C) 59 dated the 15th September 1959]

957 If the pensioner afterwards appears, the disbursing officer may renew his payments. But the arrears cannot be paid if the pension in arrears is to be paid for the first time or if the amount of arrears exceeds Rs. 1 000 without the previous sanction of the authority by whom the pension was sanctioned to be obtained through the Accountant General

NOTE —[In cases where the pension is sanctioned by the Local Government it may delegate its powers under this Article to Heads of Departments or other subordinate authorities]

958 If the suspension of payment is attributable to error or neglect by any public officer, the Accountant General may direct payment of the arrears without taking the orders of the Government

### Deceased Pensioners

959 (a) On the death of a pensioner payment of any arrears actually due may be made to his heirs provided that they apply within one year of his death. It cannot be paid thereafter without the sanction of the authority by whom the pension was sanctioned to be obtained through the Accountant General

NOTE —[In case where the pension is sanctioned by the Local Government, it may delegate its powers under this Article to Head of Departments or other subordinate authorities]

(b) But if the arrears do not exceed Rs 100, and the case presents no peculiar features the Accountant General is empowered to pass the arrears on his own authority

(c) After payment of the arrears of pension the Pension Payment Order should be returned to the Accountant General with a report of the date of the death of the pensioner

960 Subject to the provisions of the preceding Article the

arrears of pension of a deceased pensioner may be paid to the heirs of the deceased without the production of the usual legal authority, to the extent of Rs 500 under the orders of the Collector or other officer responsible for the payment, after such enquiry into the rights and title of the claimants as may be deemed sufficient. Any excess above Rs 500 may similarly be paid under the orders of the Local Government on execution of an indemnity bond, with such sureties as it may require, if it is satisfied of the right and title of the claimant and considers that undue delay and hardship would be caused by insisting on the productions of letters of administration.

In any case of doubt payment should be made only to the person producing legal authority.

## GOVERNMENT S ORDER

### *Procedure for Payment*

Whenever a claim is preferred for the payment of arrears of pension due to a deceased pensioner, the claim must be supported not only by a death certificate but by evidence sufficient to establish the relationship of the claimant to the deceased, if the arrears exceed Rs 500 the procedure prescribed in Art 960 should be observed. In other cases the claim should be supported by a certificate signed by one or two respectable officers of Government drawing a salary of Rs 100 and upwards or by such other well known and trustworthy person as may be approved of by the disbursing officer to the effect that they will hold themselves responsible for the amount paid to the claimant in the event of his heirship being thereafter disputed by any other person.

The above course should be resorted to only when a pensioner may have died intestate. But if, in the course of investigation of the claim it comes to light that the deceased left property worth administering to, then the arrears should be paid only to the person administering the estate (Madras)

[Paragraph 502 of the India Supplement]

961 If an officer dies before actually retiring or being discharged, his heirs have no claim to anything in respect to his pension.

## GOVERNMENT OF INDIA'S ORDERS

### *Payment to heirs*

(1) The Officer having been invalided by the Medical Board was retained in service pending receipt of certain orders of Government affecting the pension of the establishment in which he was employed. He was then granted privilege leave and died before its expiration. His heirs have no claim to the gratuity to which the officer was eligible on the date he was invalided as he died before actually retiring or being discharged and as he drew pay up to the date of his death under Article 456 C S R.

Paragraph 505 of the India Supplement]

(2) In cases in which a pension or gratuity is sanctioned after the death of the officer concerned it is not necessary to obtain the order of the authority who sanctioned the pension before payment is made to the heirs of the deceased pensioner. Such cases should be dealt with under Article 959 (a) C S R.

[G I F D No 4123 dated the 17th October 1899 Paragraph 506 of the India Supplement]

(3) If an officer dies after being discharged on medical grounds but before being invalided by a Medical Officer his heirs are eligible for the arrears due to him.

[Paragraph 507 of the India Supplement]

### SECTION III—PAYMENT IN ENGLAND

962 When a pension is granted to an officer who desires that payment thereof from the date of its commencement should be made at the Home treasury, the Audit Officer who audits the pay of the officer should, on receipt of sanction to the grant of pension, issue a last pay certificate and forward to the High Commissioner for India a duplicate thereof, together with a copy of the First Page of the application for pension and of the order of the Local Government or other authority granting the pension. The forwarding letter should always request that payment be made from some specific date, the date being ascertained from the last pay certificate.

### GOVERNMENT OF INDIA'S ORDER

Sanctions to pensions payable in the United Kingdom should be communicated to the High Commissioner for India London by air mail and not by telegram.

[G I F D No 8 (3 Est V/47 dated the 26th March 1947)]

963 If the pension is not wholly chargeable against the General Revenues care must be taken to state in the certificate how it is to be charged.

964 The annuities and pensions of all officers are issued at the Home treasury monthly in arrear on the 16th day of each calendar month.

*They are made up to the following quarterly dates, viz to the 15th March 15th June, 15th September and 15th December, and they are paid in monthly instalments the first two instalments in each quarter being the net amount accrued, omitting shillings and pence, and the third instalment being the balance due for the quarter.*

965 Intimation of any revision of pension paid at the Home treasury should be made to the High Commissioner for India, so as to reach him before the pensioner is informed.

### SECTION IV—PAYMENT IN A COLONY

966 \*The pension of a pensioner residing in any Colony named in Appendix 15 may be paid there provided he is entitled to receive payments of pension in the Colony under Articles 934 and 987.

[It takes effect from the 12th June 1936]

### Issue of Warrant

967. The authority for payment of a pension in a Colony shall be a Warrant in Form 29 to be issued by the Accountant General of the province to the cadre of which the retiring officer belongs

### GOVERNMENT OF INDIA'S ORDER

In the Warrant issued for payment of a pension in a Colony under this Article, the rate of exchange at which the pension should be paid should invariably be given (Madras)

[Paragraph 515 of the India Supplement]

968 and 969 *Cancelled*

970 Every Warrant shall be issued in triplicate. The original, bearing the payee's signature, should be forwarded to the Colonial authority concerned, the duplicate to the High Commissioner for India, and the triplicate should be made over to the payee. Each payment should be endorsed on the back of both the original and the triplicate Warrant, an acknowledgment of receipt of money being rendered by the payee. When no space for such entries remains, or when a Warrant is lost or destroyed, a fresh Warrant shall be issued by the officer who issued the original Warrant on application being made through the Colonial disbursing officer. The letter forwarding the duplicate Warrant to the High Commissioner should invariably furnish the following information viz —

- (1) Whether the pensioner is already on leave in the Colony
- (2) *Date of his retirement*
- (3) *Date of leaving India*
- (4) *Date of birth*

971 *Cancelled*

### Transfer of Payment

972 (a) Transfer of a pension from an Indian treasury to a Colony the payments in which are adjusted in the accounts of the Home treasury is permitted only once, but a pensioner can at any time have payment transferred from a Colony to an Indian Treasury or from a Colony the payments in which are adjusted in the accounts of the Home treasury to England for direct payment from the Home treasury

(b) In case a pensioner desires transfer of payment of his pension from one Colony to another, the Government of India will recognise the proceedings of the Colonial authorities sanctioning such transfer which should however, be reported separately by the pensioner to the Government of India and to the High Commissioner for India

### GOVERNMENT OF INDIA'S ORDER

In case of transfer of a pension from one Colony to another, the pensioner should apply direct to the Colony authorities whose proceedings will be recognised

[Paragraph 518 of the India Supplement]

973 Upon his return to India an officer should deliver up his copy of Warrant, which will serve the purpose of a last pay certificate

## Chapter XLIX—Pensions to Members of the Indian Civil Service

### SECTION I—APPLICATIONS

#### Retirement while on duty in India

974 A retiring officer of the Indian Civil Service shall if he be in India, submit his application for permission to resign the Service and for an annuity or gratuity to the Local Government on whose cadre he is borne at the time. If he is employed under another Local Government or under a Department of the Government of India, the application should be sent through such other Local Government or Department of the Government of India. The Local Government on whose cadre the officer is borne will, on receipt of the application obtain the report of the Accountant General upon the officer's claim in respect of service and active service. If the officer is under the audit of another Accountant General, the Accountant General of the province to the cadre of which the officer belongs will obtain from the other Accountant General the information required for his report.

NOTE 1 — [When reporting on the officer's claim in respect of service and active service the Accountant General should send the officer a copy of Article 981.]

NOTE 2 — [As soon as an officer gives over charge of his office the Accountant General should furnish the following information to the Local Government, or if the officer belongs to the cadre of another province to the Accountant General of that province who will pass it on to the Local Government. —

- 1 Name of Officer
- 2 Date on which he made over charge of his office
- 3 The amount of leave granted if any
- 4 Date up to (and including) which leave allowances have been drawn
- 5 What demands if any are outstanding against the officer

The authority or gratuity should be sanctioned subject to the recovery of these outstanding.]

### GOVERNMENT OF INDIA'S ORDER

No last pay certificate is required for a report under this Article in the case of a member of the Civil Service or a Judge of the High Court

[Paragraph 519 of the India Supplement]

#### 975 and 976 Cancelled

#### Retirement during leave to Europe

977 (a) An officer who wishes to retire from the Service while on leave in Europe must submit his application to the Secretary of State

(b) When an officer makes his application under this Article, whether after completing his full period of service or after having been declared by the Medical Board to be unfit for further service in India, his resignation is accepted, subject to the adjustment of any demands that may be standing against him in India; and he is directed to apply to the Local Government on whose cadre he was borne at the time of retirement for the annuity or gratuity to which his length of service may entitle him.

### Grant of Pension

978. (a) The annuity or gratuity will be sanctioned by the Local Government on whose cadre the retiring officer is borne at the time of retirement.

(b) The copy of the sanctioning order forwarded to the officer will be his authority for drawing his annuity or gratuity.

### SECTION II—PAYMENT

979. *Cancelled.*

980. The annuity of a Member of Council who has not previously resigned his seat in Council, or whose successor has not entered upon his office, commences from the day following that on which the vessel in which he leaves India sails, or from the expiry of his five years' tenure of office, whichever date is earlier.

981. An officer on resigning the Service must report to Local Government on whose cadre he is borne the place at which he desires that his annuity should be paid, and if he is leaving India, the date of departure of the vessel in which he sails.

NOTE.—[A copy of this Article should be furnished by the Accountant-General to every officer who applies in India for permission to resign, with the intimation that there will be delay in the commencement of his annuity if he does not furnish the information required by this Article (See also Note 1 under Article 974)]

982. Annuities are payable in arrear, monthly, and to date of decease.

983. Payment of annuities shall be made in India and in rupees:

Provided that in the case of non-Indian Officers such payment may be made as under:—

(a) in India, in rupees,

(b) through the High Commissioner for India in the United Kingdom in sterling at such rate of exchange as the President may, by order, prescribe.

984. Transfer from the Home treasury to an Indian treasury, and *vice versa*, is permitted twice only.

985 Whenever a certificate is issued for the payment of an annuity from the Home treasury, the amount of the annuity must be stated in pounds sterling and not in rupees and in the case of transfer of payment from India to the Home treasury it must be distinctly recorded that no further payment on account thereof will be made in India

986 An officer who resigns the Service while he is in Europe and who has completed the requisite period of service and residence and elected to draw his annuity from the Home treasury, can obtain advances from the High Commissioner for India, pending receipt of the authority referred to in Article 978

987 Payment of annuities may be made in any Colony named in Appendix 15 in accordance with the procedure laid down in Articles 966 to 973

## FORMS

### Form No 25 (Pensions)

(Four Pages—Referred to in Articles 911 912, 913, 917 918, 920 and 921)

#### FIRST PAGE

#### <sup>1</sup>Application for Pension or Gratuity (and Death-cum Retirement Gratuity)

- 1 Name of Applicant
- 2 Father's Name (and also Husband's name  
in the case of a woman Government servant)
- 3 Religion and Nationality
- 4 Permanent residential address showing  
village/town, district and State
- 5 Present or last appointment including name  
of establishment
- 5 (a) Present or last substantive appointment
- 6 Date of beginning of service
- 7 Date of ending of service
- 7 (a) Total period of military service
- Date of commencement and of each period of  
military service

Amount and nature of any pension/gratuity  
received for the military service

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<sup>1</sup> Instructions for preparing the application for pension or gratuity (and death-cum retirement gratuity) are appended to Form No 26 C.S.R. These should be carefully studied before filling in the Form



7. (b) Governments under which service has been rendered in order of employment

8 Length of service with details of interruptions and non-qualifying periods. Y. M. D.

9. Class of pension or gratuity applied for, and cause of application.

10. Average emoluments

11. Proposed pension.

12. Proposed gratuity.

12. <sup>1</sup>(a) Proposed death-cum-retirement gratuity.

13. Date from which pension is to commence.

14. Place of payment (Government Treasury or Sub-Treasury).

14. (a) Pension rules opted/eligible.

14. (b) Whether nomination made for

(i) Family pension,

(ii) Death-cum-retirement gratuity.

15 Date of applicant's birth by Christian era

16 Height

17. Identification Marks.

17 (a) *Thumb and Finger Impressions*

Thumb	Fore-finger	Middle finger	Ring finger	Little finger
<p>NOTE —Persons who are required to send along with this application certified copies of passport size photographs are exempted from recording their left-hand thumb and finger impression if they are literate enough to sign their names in English, Hindi or the official regional language.</p>				
<p>18. Date on which the applicant applied for pension.</p>				
<p>Signature of Head of <u>Office</u> Department</p>				

<sup>1</sup>To be deleted in the case of applicants who exercised the option under para 2(b) of the Ministry of Finance, No P. 3(16)-Est. (Spl) 50, dated the 2nd January, 1951

satisfactory, hereby orders that the full pension and/or gratuity which may be accepted by the Accountant General as admissible under the rules, shall be reduced by the specified amounts or percentage indicated below —

Amount or percentage of reduction in pension

Amount or percentage of reduction in gratuity

The grant of this pension and/or gratuity shall take effect from

†A sum of Rs \_\_\_\_\_ on account of \_\_\_\_\_ is to be held over from the death cum retirement gratuity till the outstanding dues are assessed and adjusted.

The following service of the officer has been approved for the grant of Special Additional Pension admissible under the rules —

Post/Posts held

Period of service

The pension and death cum retirement gratuity are payable at \_\_\_\_\_ Treasury and are chargeable to \_\_\_\_\_

This order is subject to the condition that should the amount of pension and/or gratuity as authorised by the Accountant General be afterwards found to be in excess of amounts to which the pensioner is entitled under the rules, he/she will be called upon to refund such excess

Date \_\_\_\_\_ Signature & Designation of the Authority Sanctioning Pension

### (c) Audit Enforcement

1 Total period of qualifying service which has been accepted for the grant of superannuation/retiring/invalid/compensation/pension/death cum retirement gratuity, with reasons for disallowances if any, other than disallowances of any service the reasons for which are recorded by the Audit Officer in the Second Page

NOTE — Service for the period commencing from \_\_\_\_\_ and up to the date of retirement has not yet been verified, this should be done before the Pension Payment Order is issued

2 Amount of the superannuation/retiring/invalid/compensation/pension/death cum retirement gratuity that has been admitted

3 Amount of the superannuation/retiring/invalid/compensation/pension/death cum retirement gratuity admissible after taking into account the reduction in pension and gratuity made by the authority sanctioning pension

---

†To be filled in in case a surety or a suitable cash deposit as provided in sub-para (i) and sub-para ( ) of para 10 of Ministry of Finance Office Memorandum No F 7(6) EV/58 dated the 9th March 1959 is not forthcoming (See page 423)

4 Total period of qualifying service which has been proved for the grant of special additional pension

5 The amount of special additional pension, if any, admitted under the rules

6 The date from which the superannuation/retiring/pension/death cum retirement gratuity is admissible

7 The date from which the special additional pension is admissible

8 Head of Account to which the superannuation/retiring and special additional pension/death cum retirement gratuity is chargeable

Accountant-General

#### FOURTH PAGE (DOCKET)

*Application for Pension or Gratuity (and D C R Gratuity)*

Date of Application

Name of Applicant

Class of pension or gratuity

Sanctioning authority

Amount of pension sanctioned

Amount of gratuity sanctioned

Amount of D C R gratuity sanctioned

Date of commencement

Date of sanction

#### Form No 26

Sir,

I have the honour to forward herewith the pension papers of Shri \_\_\_\_\_

late a \_\_\_\_\_ of this office/Department as per list enclosed for favour of report on his title to pension. The instructions printed on the back of the letter have been carefully observed

Yours faithfully

#### LIST OF ENCLOSURES

- 1 Application for pension in Form No 25 C.S.R. with details of service duly filled in on the Second Page thereof
- 2 Invalid certificates (if the claim is for invalid pension)
- 3 Service duly completed
- 4 Memorandum of average emoluments except in the case of injury or family pension under the relevant extraordinary pension rules

5 Last pay certificate

6 A copy of the first page of application for pension duly attested

7 (a) Two specimen signatures duly attested or in the case of persons not literate enough to sign their names two slips bearing the left hand thumb and finger impressions duly attested, and

(b) Two copies of passport size photograph duly attested

8 (a) Formal application for pension in Form 30

(b) Declaration from the pensioner regarding grant of anticipatory pension required under Article 922(a) C.S.R. if some delay is anticipated in (the verification of his service) finally assessing and settling the pension *vide* Article 922(a) of the C.S.R.

(c) Declarations from the Head of the Department to the effect that the special pay included in the average emoluments was of the nature of duty allowance or deputation (duty) allowance as defined in Article 23 C or Article 23A C.S.R. stating reasons therefor and that had the Government servant not been on leave or had he not officiated in a higher post during the last three years of his service he would have drawn the special pay of the nature of duty allowance or deputation (duty) allowance which he was drawing before proceeding on leave or officiating in the higher post

9 Address of the Government servant after retirement

10 Where the benefit of higher rates of pay is claimed under the Government of India Ministry of Finance Office Memorandum No F 15(6) EV/52 dated the 28th July 1952 in respect of a spell or spells of leave during the last three years of a Government servant's service a certificate to the effect that he would have continued to hold the higher post for the entire period if he had not proceeded on such leave (See G.O. Order No (5) below Art 487A on page 229)

## INSTRUCTIONS

1 *Age* When year of birth is known and not the month and date, the 1st July of the year should be assumed when month is known and not the precise date, the 16th of the month should be assumed

2 *Age* Age is given in the service book, if subsequently amended, should be supported by an order of Government or other competent authority approving the alteration

3 *Age of retirement.* See Article 459, C.S.R., F.R. 56 in the P. & T. Compilation of the Fundamental and Supplementary Rules, Volume I, and Rule 9 of the Central (Class IV) Service (Gratuity Pension and Retirement) Rules, 1936 (see Vol. II of this book on page 268)

4 *Alterations* Make in red ink under dated initials of a gazetted officer

5 *Applications* Applications for Service Pension or Gratuity and death cum retirement gratuity should be drawn up in Form No 25 C.S.R. But for extraordinary pension or injury gratuity in cases regulated by Chapter XXXVIII of the Civil Service Regulations, the application should be in Form No 25 in the case of an officer injured and in Form No 22 in the case of a deceased officer. As for extraordinary pension under the Central Civil Services (Extraordinary Pension) Rules, however, the application should be

submitted in Form 'A' or 'B' prescribed in Schedule IV thereof according as it is a case of (i) injury pension or gratuity, or (ii) family pension (see page 117 and 118 of Vol II)

6 *Application* Two spare copies of the applicant's specimen signature duly attested by a gazetted officer should be furnished along with the application

7 *Application* (a) It is permissible for officers taking leave preparatory to retirement in excess of six months to submit their normal application for pension at the time of proceeding on such leave. If they specifically declare that they propose to retire at the end of their leave if the proposed date of retirement is definitely known, audit officers will verify service wherever necessary and send their (final) report to the sanctioning authority. The pension may be sanctioned not more than one month before the date from which it is to take effect.

(b) When an Officer is appointed direct from the army to an appointment from which he will retire on a civil pension, his military service should be verified forthwith and details handed over to the civil audit and accounts officer.

(c) The immediate verification of such military service should also be made in the case of civil officers now in the service who have had previous military service whether prior to taking up a civil appointment or during the Great War I and World War II.

8 *Application* A certificate as follows signed by the pensioner should be furnished with each pension application —

"I hereby declare that I have neither applied for nor received any pension or gratuity in respect of any portion of the service included in this application and in respect of which pension or gratuity is claimed herein nor shall I submit an application hereafter without quoting a reference to this application and the orders which may be passed thereon.

If the applicant has already received a gratuity or is in receipt of a pension, whether the gratuity or pension is granted in lieu of civil pension or not the certificate should be suitably modified so as to include the following particulars —

- (a) nature and amount of pension,
- (b) the period of service in respect of which it is paid, and
- (c) by whom it is paid

9 *Average Emoluments* Append a Memorandum of calculations with reference to Articles 486 to 488 C S R. The calculations of average emoluments should be based on the actual number of days contained in each month.

NOTE —[Separate calculations should be forwarded in cases where the benefit under the Government of India Ministry of Finance Office Memorandum of 26th July, 1952 is claimed.]

10 *Character and Conduct* State merely good, bad, fair or indifferent without remarks, which should be added only when absolutely necessary to a right understanding of the case.

11. *Compensation Pension or Gratuity.* If the application is for a compensation pension or gratuity, the nature of the change of establishment which has given rise to the claim should be fully stated against head 9 in the First Page of the application

1. *Compensation Pension owing to Reduction of Establishment* State why employment was not found elsewhere and what was the amount of savings

13 *Delay* Explain any delay beyond a month in the submission of the application

NOTE —[In every case in which an interval of more than six months occurs between the date of retirement of a subordinate and issue of a pension order, a report shall after the issue of the orders be submitted to Government by the audit officer concerned with the explanation of all officers or authorities responsible for the delay]

14 *Foreign service* Foreign service should, in every case, be supported by the Government order sanctioning the transfer and a memorandum of the contributions paid

15 *Gratuity* Class IV Government servants whose service has, for some time, been Superior may, at their option either count the whole service as Inferior towards pension or gratuity on the Inferior scale or the Superior portion towards pension or gratuity on the Superior scale and the Inferior portion towards gratuity on the Inferior scale

16 *History of Service* Give date, month and year of the various appointments promotions and cessations For the purpose of adding towards broken periods, a month is reckoned as thirty days

17. *History of Service* When the applicant is acting or officiating, state his substantive appointment

18 *History of Service* Acting promotions need not be shown except in the case of officers whose allowances count for pension under clause (b) of Article 486, C S R

NOTE —[In cases where emoluments drawn in an officiating capacity count for pension under the Government of India Ministry of Finance Office Memorandum No F 15(6)EV/52 dated the 28th July 1952, all details regarding officiating appointments etc. should also be given]

19 *History of Service* All periods not reckoned as service should be distinguished and reasons for their exclusion given in the remarks column

20 *Identification Marks* Specify a few conspicuous marks, not less than four, if possible

21 *Identification Mark* In the case of European ladies, gazetted Government servants, Government titleholders and other persons who may be specifically exempted by Government, particulars of height and persona marks are not required

22 *Leave Irregularly Granted* State Officers responsible and amount of allowances overdrawn

NOTE.—[Leave erroneously granted to an officer prior to his retirement, if possible should be retrospectively commuted to such leave as was admissible under the rules at the time he proceeds on leave]

23 *Leave* Leave of all kinds (save privilege and casual) is be entered in detail

24 *Leave to Class IV Government Servants* Under Article 414, C.S.R., an inferior Government servant can count leave with and without allowances as qualifying service for pension up to the amount of leave earned under Chapter XII and XIV of the C.S.R.

25 *Leave to Class IV Government Servants* (a) Extent to which leave with allowances taken and (b) leave taken without allowances should be indicated

26 *Medical Certificate* If granted after applicant had ceased to do duty state cause of delay and whether it has been accepted by the authority competent to sanction pension

27 *Medical Certificate* Give reasons in case of retention in service after the grant of the certificate

28 *Medical Certificate* Should invariably accompany the application for an invalid pension

29 *Medical Certificate* Medical Certificate should state particulars required under Article 443 (b) C.S.R., in respect of the applicant under 55 years and the explanation of the Head of the office should be given under head 5 on the Third Page of the application

30 *Medical Certificate* Medical Certificate should be granted only by Commissioned Medical Officer, District Medical Officer and Civil Surgeon and not by Warrant Medical Officer, a Civil Apothecary or an Assistant or Sub Assistant Surgeon

31 *Medical Certificate.* The Certifying Officer should be one belonging to the same District, otherwise an explanation should be given

32 *Name* Specify in full, house or country name of applicant and his father

33 When initials or name of applicant are incorrectly given in the various records consulted mention fact in the letter forwarding the application to avoid unnecessary references from the Accountant General

34 *Probation* It should be stated whether the applicant was appointed on probation

35 *Resignation of Service* The Head of the Office should state its cause when it involved a break of service

36 *Resignation of Service* The Head of the Office should also state (1) whether he is in favour of condonation of such break and (2) if he is, whether with or without a reduction of pension or gratuity, otherwise admissible

37 *Date of Retirement* Show in the service book, application and last pay certificate

38 *Retiring Pension* An officer over 55 years of age need not necessarily be recommended for superannuation pension if entitled to retiring or invalid pension

39 *Sanction* Opinion of sanctioning authority that the pension or gratuity claimed should be admitted, should be recorded with reference to Article 918 (1), C S R, to facilitate prompt issue of pension

40 *Service* Cause of its termination in each appointment should be entered in service book and attested

41 *Service in an Officiating Appointment* If counting state (i) whether the appointment was substantively vacant and (ii) whether another officer counted service during the period

42 *Service in Temporary Post* State always whether or not the applicant retained a right to his substantive appointment furnishing a copy of the departmental order.

43 *Service Book* State reason for omission of signature of the Head of the Office or that of the applicant in any case

44 *Superannuation* If ordered by Government, quote its order, number and date against head 5 in the applicant's Third Page of the application

45 *Suspension or Dismissal* When the order does not contain full particulars, a brief statement thereof should be appended. If the order itself is not forthcoming, a summary of available evidence should be sent with the application

46 *Transfer from Qualifying to Non qualifying Service under Government* should be supported by a copy of the authority stating whether transfer was voluntary or made under an order of competent authority

47 *Verification* In the column 'how verified', the class of records such as pay bills, acquittance rolls etc may be inserted

NOTE—[If the certificates of verification of the service of an applicant for pension have been recorded in the service book from year to year the periods of such service need not again be verified from pay bills acquittance rolls etc at the time of preparation of his pension application]

48 *Verification* When the fact of service in another office is not satisfactorily attested in the service book, a duly certified abstract from the Head of the Office should accompany the application



49 *Verification of Service* Statement of the applicant and collateral evidence prescribed in Article 915(a) (ii) CSR, duly accepted by the authority competent to sanction the pension should be produced for such periods of non gazetted service as are not verifiable from records

50 *Verification of Service* The applicant's statement and the collateral evidence should as far as possible indicate whether the applicant was in permanent or temporary service and whether there were any breaks in service or any leave granted. They should also indicate the periods of breaks and the nature of leave as far as possible

51 *Vernacular Entries* Should be accompanied by translation in English

### FORM No 30

See page 425

### QUESTIONS & ANSWERS

**Q 1** State in brief the action taken by the different officers concerned on an application for pension from the time it is received in the Audit office till the first payment of pension from the Treasury  
(S A S August, 1934)

**Ans** On receipt of the application for pension in the Audit Office it should be examined to see whether all the documents required to accompany the application have been attached and are complete in every respect. Then the statement of services should be compared with the Service Book or the History of Services according as the Government servant is a non gazetted or a gazetted officer. In the case of a non gazetted Government servant in superior service the first year of qualifying service the last 3 years of qualifying service and one or two intermediate years selected at random by the Gazetted Officer in charge of the section concerned should be verified with the Annual Establishment Returns. The observations should then be recorded in the verification Memorandum and objections and discrepancies should be intimated to the Head of the Department or the authority submitting the application. After the discrepancies have been removed the report for claim for pension will be sent to the sanctioning authority. On receipt of the sanction the Audit officer will call for the Last Pay Certificate if not already received. The date of retirement in the application will be checked with the L P C and Pension Payment Order issued. The necessary entries will be made in the P P O Register as well as in the Audit Register of Pensions.

The Treasury Officer will make over Pensioner's half of the P P O to pensioner when he appears to receive his pension for the

had the Government servant been not on leave or had he not officiated in a higher post during the last 3 years of his service he would have drawn the special pay of the nature of duty allowance or deputation (duty) allowance which he was drawing before proceeding on leave or officiating in the higher post

(15) Memorandum of average emoluments except in the case of injury or family pension under the relevant extraordinary pension rules

(16) Address of the Government servant after retirement

(17) When benefits of higher rates of pay is claimed under G I F D No F 15(6) EV/52 dated the 28th July, 1952, in respect of a spell or spells of leave during the last 3 years of a Government servant's service a certificate to the effect that he would have continued to hold the higher post for the entire period if he had not proceeded on such leave

(18) Consent in support of the recovery from pension/death-cum retirement gratuity

**Q 3** Detail the certificates which a Gazetted Officer on leave preparatory to retirement is required to furnish with his leave salary bills. Are these certificates necessary even if the leave salary is drawn through a bank which executed a general bond of indemnity?  
(S A S November, 1955)

**Ans** The required certificates are —

(1) Last Pay certificate should be attached to the first bill if his leave salary is drawn at a place other than the place at which he was drawing pay vide Rule 230 of C T R Vol I

(2) Leave salary certificate issued by the Accountant General

(3) Life Certificate if he does not appear in person vide Art 184 Audit Code. This should be signed by a responsible officer of Government or some well known or trustworthy person

(4) Certificate that during the period for which leave salary is being drawn he was not employed under any Government, Local Fund or private employer

If the leave salary is drawn through a bank who has executed a bond of Indemnity, Life Certificate is not necessary

**Q 4** Detail the various stages in the preparation of pension papers of a non gazetted Government servant

**Ans** The following are the various stages in the preparation of the pension papers of a non gazetted Government servant due to retire on superannuation pension —

1. A preliminary statement containing the date of birth, list of appointments held during the service with particulars of their nature, duration and pay of such appointments, dates of beginning and ending of each period of leave and an explanation of each interruption in service, should be obtained from the applicant for pension

2 The service claimed for pension should be verified For this purpose the Audit Officer or the Head of the Office as the case may be, should be supplied with a statement of the service claimed and requested to verify them

3 If any portion of the service cannot be verified from records, a statement of the applicant which should contain the local circumstances or some important public event at the time of his appointment or the names of the offices in which he has worked and the length of service in each office or appointment and the names of witnesses, who can testify to the service of the applicant, and who should be contemporary servants in superior service, should be taken down The statement of witnesses should then be taken down, care being taken to record the exact reasons which enable them to speak as to occupation of another man during a certain part of life where they lived, what appointments they held

4 The thumb and finger impressions of the official should be obtained on the separately printed First Page of the application for pension and on the prescribed card, in the presence of the officer required who should attest them A copy of the photograph of the official in passport size (1½ 3 inches in height and 2 inches in width) should also be obtained The copy of the photograph should be certified as being that of the applicant for pension by the Head of the Office or by any one of the officers competent to record statements etc for the purpose of pension

5 The applicant should then be removed from the service

6 When the verification of service is completed and the applicant is removed from the service the application for pension should be prepared Specific remarks required on the Third Page of the application should be given by the Head of the Office who should sign the application on Pages 1 and 3 of the application

7 The application should then be forwarded to the authority competent to sanction the pension, with all the documents relied upon for the verification of the services claimed, the applicant's Last Pay Certificate, Service Book or service roll the thumb and finger impression card and other connected documents including two attested photo copies of the retiring official

8 An explanation of any suspension or degradation should be given and the papers on the subject if available should also be submitted

9 Care should be taken to give the applicant's name and last

designation including the spelling of the name in a uniform way in the several documents of pension

10 When vernacular documents are submitted, they must be accompanied by duly attested English translation

11 Whenever it is proposed to grant any special concession e.g., condonation of deficiencies in service etc a report from the Audit Officer should invariably be obtained in the first instance before the proposal is submitted to the authority to sanction it

12 If any portion of the pensionable service of the applicant is rejected the reasons for the rejection should be fully given

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# INDEX

*This Index has been compiled solely for the purpose of assisting reference, no expression used in it should be considered in any way as interpreting the Rules The following abbreviations have been used —*

A G Auditor General's order  
A I Audit Instruction

G I Government of India's Order

## ARTICLE

## ARTICLE

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